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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

22576-22650

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22576. Misbranding of Vapex. U. S. v. 10 Dozen Packages, et al., of Vapex. Decrees of condemnation and destruction. (F. & D. nos. 24849, 29020, 29725, 29726, 29734, 29735, 29737, 29738, 29739. I. S. no. 015879. S. no. 3187. Sample nos. 21148-A, 23880-A, 27593-A, 28984-A, 32751-A, 32752-A, 32753-A, 33474-A, 33475-A.)

These cases involved several shipments of Vapex, a drug preparation. One lot, the earliest shipment, bore no declaration of the alcohol content. Later shipments bore no declaration of alcohol on the carton and only an inconspicuous statement on the reverse of the bottle label. The labels of these later shipments were further objectionable since they contained false and misleading claims as to its effectiveness as a bactericide and as to the place of manufacture.

On June 18, 1930, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 dozen packages of Vapex at Des Moines, Iowa. Between the dates of December 12, 1932, and January 10, 1933, libels were filed in various United States district courts against 45 dozen bottles of the product at St. Louis, Mo., 195 dozen bottles at Pittsburgh, Pa., 100 gross bottles at San Francisco, Calif., 11 dozen bottles at Kansas City, Mo., 7 gross bottles at Philadelphia, Pa., and 11 dozen bottles at Trenton, N. J. The libels charged that the article had been shipped in interstate commerce by E. Fougere, & Co., Inc., from New York, N. Y.; that the product located at Des Moines, Iowa, had been shipped on or about May 9, 1930 and the remaining lots between the dates of October 15 and December 14, 1932; and that the article was misbranded in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted of an alcoholic solution of oil of lavender, oil of eucalyptus, and menthol containing 63.5 percent by volume of ethyl alcohol. Samples from other shipments were found upon analysis to consist essentially of volatile oils, such as menthol and lavender oil, alcohol (approximately 66 percent by volume), and water.

The libel filed in the Southern District of Iowa charged that the article was misbranded in that it contained alcohol and the quantity or proportion of the said alcohol was not stated on the label. The remaining libels charged that the article was misbranded in that the statements in the circular, "Vapex is produced in England by Thos. Kerfoot & Co., Ltd. * * * Laboratory Tests have proved that the Vapex vapor kills the pathogenic bacteria present in the breathing passages", and on the carton, "Vapex is a product of Thos. Kerfoot & Co., Ltd., Bardsley, England", were false and misleading; and for the further reason that the package failed to bear a statement of the quantity or proportion of alcohol contained in the article, since the carton bore no declaration whatever of alcohol and the bottle label carried only an inconspicuous declaration of alcohol on the reverse side of the bottle.

E. Fougere & Co., Inc., appeared as claimant in the case instituted in the Southern District of Iowa and Donalds, Ltd., Inc., intervened in the cases instituted in the Eastern District of Missouri, the Western District of Pennsylvania, Northern District of California, and Eastern District of Pennsylvania. On August 15, September 14, November 28, and December 6, 1933, these cases having been called and the claimants having failed to appear and defend, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed. On August 16 and September 25, 1933, no claimant having appeared in the cases instituted in the District of New Jersey and the Western District of Missouri, judgments of condemnation and destruction were entered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22577. Adulteration and misbranding of No. 1 Pyroligneous Compound and misbranding of No. 2 Pyroligneous Compound and Healing Ointment. U. S. v. 101% Dozen Bottles of No. 1 Pyroligneous Compound, et al. Consent decree of condemnation, forfeiture, and destruction. (F. & D. nos. 26796, 26797, 26798. I. S. nos. 25192, 25193, 25194. S. no. 4930.)

Examination of the drug preparations covered by this case showed that they contained no ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Bacteriological examination of the No. 1 Pyroligneous Compound showed that it was not a germicide.

On July 27, 1931, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 101% dozen bottles of No. 1 Pyroligneous Compound, 51 dozen boxes of No. 2 Pyroligneous Compound, and 36 dozen boxes of Healing Ointment at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 23 and November 10, 1930, by Lester Tilton operating as Tilton Laboratories, from Clinton, Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the No. 1 Pyroligneous Compound consisted essentially of small proportions of ammonium carbonate, ammonium hydroxide and pyridine, and about 98 percent of water; that the No. 2 Pyroligneous Compound consisted essentially of small proportions of ammonium hydroxide and pyridine, a trace of a phenolic substance and about 98 percent of water; and that the Healing Ointment consisted essentially of small proportions of volatile oils such as camphor, peppermint oil, and turpentine oil, incorporated in an ointment base. Bacteriological examination of the No. 1 Pyroligneous Compound showed that it was not germicidal.

It was alleged in the libel that the No. 1 Pyroligneous Compound was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Germicide, Disinfectant."

Misbranding of the No. 1 Pyroligneous Compound was alleged for the reason that the statements on the bottle label, "Its Uses—As a Germicide Disinfectant * * * Use this where you would use Iodine or Carbolic Acid in any case", were false and misleading. Misbranding was alleged with respect to all products for the reason that the following statements regarding the curative and therapeutic effects of the articles were false and fraudulent: (No. 1 Pyroligneous Compound, bottle) "Its uses—As a * * * Haemostat * * * For ulcers of stomach or food tract mix * * * For Sore Mouth, Pyorrhea, Tonsils and Sore Throat use as above and swallow slowly. For Piles or Female Trouble * * * Research (Cancer) Treatment"; (No. 2 Pyroligneous Compound, bottle) "Its uses—For Goitre moisten swollen glands thoroughly three times a day and let dry. For Swollen Glands and Varicose Veins moisten twice a day * * * Research (Cancer) Treatment"; (Healing Ointment, can) "Healing Ointment * * * Use over * * * Boils, Carbuncles, Abscesses, Infections, Sore Throat, Tonsillitis, Sore Lungs or Pus Condition of Pleura or Appendicitis and Varicose Ulcer. Cover well all swollen or inflamed parts, changing every 12 hours until healed or soreness has disappeared."

On May 28, 1934, attorney for the claimants having appeared and informed the court that the case would not be contested, and having consented to the destruction of the products, judgment of condemnation and forfeiture was entered, and it was ordered by the court that they be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22578. Adulteration and misbranding of Injection Malydor and misbranding of Malydor Pills. U. S. v. William Arthur Jewitt, Charles Arthur Jewitt, and Homer Moore Jewitt (Williams Manufacturing Co.). Pleas of guilty. Fine, \$300 and costs. (F. & D. no. 28156. I. S. nos. 34710, 34714.)

This case was based on interstate shipments of drug preparations, the labels of which contained false and fraudulent curative and therapeutic claims. The bottle, carton, and circular of the Injection Malydor bore a declaration of acetanilid, the statement on the bottle and carton labels differing slightly from that appearing in the circular. Analysis showed that the article contained less acetanilid than declared in either statement. The Injection Malydor was not antiseptic when used in accordance with directions.

On November 23, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William Arthur Jewitt, Charles Arthur Jewitt, and Homer Moore Jewitt, copartners, trading as the Williams Manufacturing Co., Cleveland, Ohio, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about December 10, 1930, from the State of Ohio into the State of Pennsylvania, of a quantity of Malydor Pills which were misbranded, and on or about May 19, 1931, from the State of Ohio into the State of Pennsylvania, of a quantity of Injection Malydor which was adulterated and misbranded. The Injection Malydor was labeled in part: (Bottle and carton) "Injection Malydor * * * Each Fluid Oz. contains one and 1-6 grains Acetanilide. Bar-Ben Laboratory Co. * * * Cleveland, O."; (circular) "Each Fluid Ounce Contains 1 1/16 Grains Acetanilide." The Malydor Pills were labeled in part: "Malydor Pills * * * Bar-Ben Laboratory Co. Sole Proprietors, Cleveland, Ohio."

Analyses of samples of the article by this Department showed that the Malydor Pills contained plant material and extracts including juniper, buchu, and cubeb, and a compound of magnesium, coated with sugar and calcium carbonate; and that the Injection Malydor consisted of a solution containing 0.6 grain acetanilid per fluid ounce and small amounts of phenol, boric acid, glycerin, and a zinc compound, and 95.7 percent of water. Bacteriological tests of the Injection Malydor showed that it was not an antiseptic and did not have an antiseptic effect when used as directed.

It was alleged in the information that the Injection Malydor was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was represented to contain (bottle and carton) 1 1/8 grains and (circular) 1 1/8 grains of acetanilid in each fluid ounce, and was represented to be antiseptic, when used as directed; whereas it contained not more than 0.6 grain of acetanilid in each fluid ounce, and was not antiseptic when used as directed.

Misbranding of the Injection Malydor was alleged for the reason that the statement, "Each Fluid Ounce Contains 1 1/8 Grains Acetanilide", borne on the bottle label and carton, and the statements, "Each Fluid Ounce Contains 1 1/8 Grains Acetanilide, * * * Injection Malydor is an Antiseptic preparation * * * This will * * * also have an antiseptic effect", contained in the circular, were false and misleading.

Misbranding of both products was alleged for the reason that certain statements, designs, and devices, regarding the curative and therapeutic effects of the articles, falsely and fraudulently represented that the Malydor Injection was effective as a treatment for certain infections of the official passages, and effective, when used in conjunction with Malydor Pills as a treatment for certain infections of the official passages, and effective for the treatment of inflammation due to infection, pain, and soreness; and that the Malydor Pills were effective when used alone or in connection with Injection Malydor, as a urinary renovator for male and female, as a remedy and cure for all diseases of the urinary passages; as a preventive and relief for complications attending gonorrhoea and gleet when used in connection with Injection Malydor; to prevent and relieve attending inflammation and to keep the disease from becoming chronic; as a preventive and relief of the posterior or far back inflammation, catarrh and inflammation of the bladder, scalding or burning in passing water, retention of urine, chordee, swollen testicles, gonorrhoeal rheumatism and bubo; effective to prevent relapse and assist in a quick return to health; effective as a combination of specifics each a cure for a definite ailment of the urinary organs whether in the blood or along the canal of the penis; as a treatment for

gonorrhoea and gleet; as a relief for the fever, inflammation and soreness of gonorrhoea, and as a treatment for gonorrhoea, gleet, leucorrhoea and spermatorrhoea.

On May 12, 1934, the defendants entered pleas of guilty, and the court imposed a fine of \$300 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22579. Misbranding of Weldonia for Rheumatism, Collins Fever and Liver Medicine, and Eucaline Tonic Compound Regular; and adulteration and misbranding of Eucaline Tonic Compound Tasteless. U. S. v. John A. Salter (Vicksburg Chemical Co.). Plea of guilty. Fine, \$250. Sentence suspended upon payment of costs. (F. & D. no. 29368. Sample nos. 7129-A, 7130-A. I. S. nos. 44372, 48752.)

This case was based on interstate shipments of various drug preparations, the labelings of which bore false and fraudulent curative and therapeutic claims. It also was claimed for the Eucaline Tonic Compound Tasteless that it was free from dangerous medicine, whereas it contained acetanilid, a drug that might be dangerous. The acetanilid declaration was incorrect since the article contained less than claimed on the label.

On November 22, 1933, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John A. Salter, trading as the Vicksburg Chemical Co., Vicksburg, Miss., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about October 7, 1931, and January 12, 1932, from the State of Mississippi into the States of Missouri and New York, of quantities of Weldonia for Rheumatism and Collins Fever and Liver Medicine, respectively, which were misbranded; and on or about May 24, 1932, from the State of Mississippi into the State of Texas, of a quantity of Eucaline Tonic Compound Regular which was misbranded, and a quantity of Eucaline Tonic Compound Tasteless which was adulterated and misbranded.

Analyses of samples of the article by this Department showed the Weldonia for Rheumatism to consist of gray-colored tablets coated with a mixture of calcium carbonate and sugar, and to contain acetylsalicylic acid, glycyrrhiza, plant extractives, starch, and a small amount of magnesium, probably as carbonates; that the Collins Fever and Liver Medicine contained chiefly water, alcohol, invert sugar, licorice root, colocynth, resins of podophyllum, and small amounts of magnesium and phosphate compounds and an unidentified alkaloid; that the Eucaline Tonic Compound Regular consisted essentially of salts of cinchona alkaloids (quinidine and cinchonine, 1 g per 100 cc), ferric chloride, a trace of capsicum extract, a bitter resin, methyl salicylate, and eucalyptus oil, alcohol, sugar, and water; and that the Eucaline Tonic Compound Tasteless consisted essentially of cinchona alkaloids (quinidine and cinchonine, 1.43 g per 100 cc), acetanilid (2.1 grains per fluid ounce), a trace of eucalyptol, sugar, and water.

It was alleged in the information that the Eucaline Tonic Compound Tasteless was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to contain 3 grains of acetanilid to each fluid ounce, whereas it contained not more than 2.1 grains of acetanilid to each fluid ounce.

Misbranding of the said Eucaline Tonic Compound Tasteless was alleged for the reason that the statements "Free from Dangerous Medicine", borne on the carton, and the statement "Acetanilid 3 grains to each fluid ounce", borne on the cartons and bottle labels, were false and misleading since the article contained acetanilid, a dangerous drug, and each fluid ounce of the article contained less than 3 grains of acetanilid; and for the further reason that the article contained acetanilid and the label failed to bear a statement of the quantity or proportion of acetanilid contained therein.

Misbranding of all products was alleged for the reason that the labeling contained statements regarding the curative and therapeutic effects of the articles which were false and fraudulent in the following respects: the Weldonia for Rheumatism was falsely and fraudulently represented to be effective as a treatment, remedy, and cure for rheumatism, rheumatism of the joints, sciatica, lumbago and rheumatic neuritis, or muscular rheumatism; effective as a treatment, remedy, and cure for severe cases of rheumatism, rheumatism of the joints, sciatica, lumbago, and rheumatic neuritis, and muscular rheumatism; the Collins Fever and Liver Medicine was falsely and fraudulently represented to be effective as a fever and liver medicine; effective as a treatment, remedy,

and cure for fever, biliousness, jaundice, stomach and liver trouble, bilious colic, cholera morbus, diarrhoea, liver complaints, indigestion and sick headache; effective to correct disturbed action of the excretory organs and to assist the removal of malarial poisons from the system; effective to exercise a decidedly beneficial effect on a torpid or functionally deranged liver; effective to remove bilious obstructions in the liver and bowels and to have a strengthening influence in the stomach and digestive organs; effective to promote digestion and assimilation of food; effective as an antiperiodic; the Eucaline Tonic Compound Regular was falsely and fraudulently represented to be effective as a treatment, remedy, and cure for chills and fever, malaria, dumb fever, enlarged spleen, la grippe and bad colds; effective as a treatment for general debility caused by malaria weakening the blood and system; effective as a blood and liver tonic; effective as a remedy for chronic chills and fever; and the Eucaline Tonic Compound Tasteless was falsely and fraudulently represented to be effective as a treatment, remedy, and cure for la grippe; effective as a remedy for fevers and bad colds; effective as a general restorative; effective to strengthen the system; and effective as a liver tonic.

On May 21, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$250. On May 22, 1934, the fine was ordered suspended upon payment of costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22580. Adulteration and misbranding of Vi-Te-Ma Stock Compound and Vi-Te-Ma Poultry Compound. U. S. v. 4 Cartons of Vi-Te-Ma Stock Compound, et al. Default decrees of condemnation and destruction. (F. & D. nos. 29724, 30036, 30037, 30371, 30372, 30376, 30461, 30486, 30513, 30514, 30699, 30700, 30701, 30741, 30742, 31003, 31004, 31039, 31097, 31237, 32022. Sample nos. 13993-A to 13999-A, incl., 14078-A, 14093-A, 14094-A, 14097-A, 16850-A to 16853-A, incl., 18256-A, 18257-A, 18262-A, 19077-A, 30428-A, 30423-A, 30430-A, 32066-A, 32067-A, 35178-A, 35381-A, 35382-A, 37868-A to 37871-A, incl., 46241-A to 46244-A, incl., 46684-A, 46685-A, 57077-A, 57081-A to 57084-A, incl., 57086-A, 61887-A, 61888-A.)

These cases involved various drug preparations, sold as stock and poultry conditioners containing yeast and cod-liver oil. No yeast or cod-liver oil was detected in the samples examined. Examination further disclosed that they would not promote growth, fattening, and productivity of livestock and poultry as claimed, also that they contained no ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On January 3, 1933, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel (amended March 15, 1933), praying seizure and condemnation of four cartons of Vi-Te-Ma Stock Compound at Henderson, Ky. Between the dates of April 6, 1933 and February 26, 1934, libels were filed in district courts for the Northern District of Alabama, Northern District of Mississippi, Southern District of Mississippi, Western District of Virginia, Southern District of Indiana, Northern District of New York, Western District of Louisiana, and Eastern District of Virginia against various lots of Vi-Te-Ma Stock Compound and Vi-Te-Ma Poultry Compound within the jurisdiction of said courts. It was alleged in the libels that the articles had been shipped in interstate commerce from Fostoria and Tiffin, Ohio; that most of the shipments had been made by the Vi-Te-Ma Products Co., E. W. White, and C. L. Jones (in a few instances the name of the shipper does not appear in the record); that the shipments had been made during the period from August 16 to December 16, 1932; and that the articles were adulterated and misbranded in violation of the Food and Drugs Act as amended. Portions of the article were labeled: "Manufactured by the Vi-Te-Ma Products Co., Tiffin, Ohio."

Analyses of samples of Vi-Te-Ma Stock Compound by this Department showed that it consisted essentially of large proportions of calcium carbonate (40 percent), magnesium sulphate (50 percent), ferrous sulphate (8 percent), small proportions of sulphur and minute amounts of fenugreek, quassia, nux vomica, and potassium iodide. Analysis of samples of Vi-Te-Ma Poultry Compound by this Department showed that it consisted essentially of large proportions of magnesium sulphate (50 percent), calcium carbonate (44 percent), iron oxide (3.5 percent), and small proportions of sulphur, capsicum, quassia, and potassium iodide. No yeast or cod-liver oil was found.

It was alleged in the libels that the articles were adulterated in that their strength and purity fell below the professed standard under which they were sold, since they were represented to contain yeast and cod-liver oil; whereas

they contained no yeast or cod-liver oil. Misbranding was alleged for the reason that the labels bore false and misleading claims that the articles contained yeast and cod-liver oil, and would be of value to make feed more readily available and increase the production of milk, pork, eggs, poultry, etc. Misbranding was alleged for the further reason that the labels of the articles contained various false and fraudulent claims as to their effectiveness in the prevention of disease of animals and in the treatment of diseases of horses, cows, sheep, and hogs.

No claimant appeared for the property. Between the dates of June 14, 1933 and April 6, 1934, judgments were entered ordering that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22581. Adulteration and misbranding of Vitamized Stock Compound and Vitamized Poultry Compound. U. S. v. 19 Packages of Vitamized Stock Compound, et al. Default decrees of destruction. (F. & D. nos. 30505, 30506, 31005, 31007, 31033, 31037, 31038, 31602, 31662. Sample nos. 9097-A, 9098-A, 19080-A, 19081-A, 19083-A, 19084-A, 19085-A, 28201-A to 28204-A, incl., 41122-A, 41123-A, 43504-A, 43751-A, 57283-A, 57284-A.)

These cases involved alleged stock and poultry conditioners and remedies labeled as containing yeast and cod-liver oil. Examination showed that the articles contained no yeast or cod-liver oil; that they would not increase production of eggs and milk, pork, etc.; and contained no ingredients capable of producing certain curative and therapeutic effects as claimed.

On May 27, 1933, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 19 packages of Vitamized Poultry Compound and 19 packages of Vitamized Stock Compound at Annville, Ky. Between the dates of August 24 and December 4, 1933, libels were filed in the Federal district courts for the Northern District of New York, Southern District of Illinois, Western District of Pennsylvania, District of Maine, Northern District of Iowa, and Western District of Kentucky, against various quantities of the products at Newark Valley, N. Y., Bellflower, Ill., Titusville, Pa., Milo, Maine, Galva, Iowa, and Lewisburg, Ky., respectively.

It was alleged in the libels that the articles had been shipped in interstate commerce, the shipments covering the period from March 12, 1932 to June 2, 1933, from Tiffin and Fostoria, Ohio; that most of the shipments had been made by the Vitamized Products Co.; and that they were adulterated and misbranded in violation of the Food and Drugs Act as amended. Portions of the articles were labeled: "The Vitamized Products Co., Tiffin, Ohio."

Analyses of samples of the articles by this Department showed that the poultry compound consisted essentially of calcium carbonate and oxide (25 percent), magnesium sulphate (54 percent), iron oxide (3 percent), sulphur (3.67 percent), and minute amounts of capsicum, quassia, and potassium iodide; and that the stock compound consisted essentially of calcium carbonate and oxide (25 percent), magnesium sulphate (52 percent), ferrous sulphate (11 percent), sulphur (2.34 percent), and minute amounts of fenugreek, quassia, nuxvomica, and potassium iodide. No yeast or cod-liver oil was found in either sample.

The libels charged that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, since the labeling represented that they contained yeast and cod liver oil, whereas they contained no yeast or cod-liver oil.

Misbranding was alleged for the reason that the articles were variously labeled with false and misleading claims that they contained yeast, cod-liver oil, the essential vitamin and necessary minerals and (poultry compound) would aid egg production and cause rapid growth of poultry; (stock compound) make cows profitable, increase milk flow, cause rapid growth and aid in hog and sheep raising. Misbranding was alleged for the further reason that the articles were labeled with various false and fraudulent claims regarding their efficacy in the prevention and treatment of diseases of horses, cows, sheep, hogs, and poultry.

No claimant appeared for the property. Between the dates of September 9, 1933 and May 28, 1934, judgments of condemnation were entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22582. Misbranding of Bika Remedies (Zenar Nos. 3, 19, 18, 26, 15, 8, 24, 21, 5, 4) Ol de Vita, Vita Salve, Hydropin, Insipin, Parcholin, Herz Tabletter, Viripan, Lymphin Masc., Lymphin Fem., Osteon Masc., Osteon Fem. U. S. v. Eugene Hessel (Bika Biochemical Laboratories). Plea of guilty. Fine, \$25. (F. & D. no. 30213. Sample nos. 918-A, 920-A to 925-A, incl., 1116-A to 1119-A, incl., 1121-A to 1124-A, incl., 1163-A, 1164-A, 13601-A to 13604-A, incl.)

Examination of the various drug preparations on which this case was based showed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Bacteriological tests of one of the products, Ol de Vita, showed that it was not a bactericide as claimed on the label.

On December 15, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Eugene Hessel, trading as the Bika Biochemical Laboratories, Philadelphia, Pa., alleging that the said defendant had shipped on or about February 26, 1931, and subsequently thereto up to and including some time in July 1932, various Bika Remedies which were misbranded in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Zenar No. 3 Remedy for Women's diseases"; "Zenar No. 19, Glands and Goiter Remedy"; "Zenar No. 18, Heart Remedy"; "Zenar No. 26 Diabetes Remedy"; "Zenar No. 15 Hardening of Arteries Remedy"; "Zenar No. 8 Rheumatism and Arthritis Remedy"; "Zenar 24 Whooping Cough Remedy"; "Zenar No. 21 Weak Nerves (impotency) Remedy"; "Zenar No. 5 Pulmonary and Lung Remedy"; "Zenar No. 4 Kidney, Nerve and Bladder Remedy"; "Ol de Vita (Int. known as Po-Ho-Oil)"; "Vita Salve"; "Hydropin"; "Insipin"; "Parcholin"; "Herz-Tabletter" (Tr. "Heart Tablets"); "Viripan"; "Lymphin Masc."; "Lymphin Fem."; "Osteon Masc."; "Osteon Fem." The products were further labeled: "Bika Chem. Pharm. Fabrik Stuttgart"; "Bika Disp. Laboratory Phila., Pa. U. S. A. Stuttgart, Berlin, Hamburg, Germany"; or "Bika Laboratory, Philadelphia, Pa."

Analyses of samples of the article by this Department showed that the Zenar No. 24 Whooping Cough Remedy contained mainly milk sugar with small proportions of extracts of plant drugs, sulphur (approximately 0.3 percent), and other inorganic material including magnesium, sodium, and potassium phosphates and sulphates (0.2 percent); that Zenar No. 26 Diabetes Remedy contained principally milk sugar with a trace of sulphur (0.03 percent) and small proportions of other inorganic material, including sodium, potassium, and calcium sulphates and phosphates (0.3 percent), and a trace of an arsenic compound; that Zenar No. 3 Remedy for Women's Diseases contained principally milk sugar with a trace of sulphur (0.02 percent) and other inorganic material, including sodium, potassium, calcium, and iron sulphates and phosphates (0.2 percent.); that Zenar No. 19 Glands and Goiter Remedy contained principally milk sugar with a trace of sulphur (0.03 percent.), and traces of other inorganic substances including sodium, potassium, and barium phosphates (0.1 percent); that Zenar No. 18 Heart Remedy consisted essentially of milk sugar, a trace of sulphur (0.3 percent), small proportions of other inorganic substances including sodium, potassium, and calcium phosphates (0.1 percent), and a trace of an arsenic compound; that Zenar No. 15 Hardening of Arteries Remedy consisted essentially of milk sugar, a trace of sulphur (0.2 percent), small proportions of other inorganic material, including sodium, potassium, calcium, and iron phosphates and a trace of a manganese compound; that Zenar No. 8 Rheumatism and Arthritis Remedy consisted essentially of milk sugar, a trace of sulphur (0.04 percent), and small proportions of other inorganic material including sodium, potassium, and iron sulphates and phosphates (0.17 percent); that Ol de Vita consisted essentially of volatile oils, including 44.1 percent of menthol; that Hydropin consisted essentially of milk sugar, a small proportion of organic nitrogenous material, ground plant material, inorganic salts (approximately 2.6 percent) including calcium phosphate, traces of potassium, sodium, iron, and manganese chlorides and sulphates, and an insoluble silicate such as talc.; that Insipin consisted essentially of milk sugar, small proportions of organic nitrogenous material, sodium chloride (8.25 percent), and small proportions of compounds of potassium, iron, calcium, magnesium, phosphorus, sulphur, and silica; that Zenar No. 21 Weak Nerves (Impotency) Remedy consisted essentially of milk sugar, with a trace of sulphur (0.03 percent) and small proportions of other inorganic material, including calcium phosphate (0.15 percent) and a trace of a silver compound; that Parcholin consisted essentially of milk sugar, starch,

ground plant material, a small proportion of organic nitrogenous material, and 1.1 percent of inorganic material including iron and magnesium phosphates, and traces of sodium, potassium, calcium, and manganese sulphates and phosphates, and an insoluble silicate; that Zenar No. 4 Kidney, Nerve and Bladder Remedy consisted essentially of milk sugar, a trace of sulphur (0.02 percent), and small proportions of other inorganic material including potassium, calcium, and iron phosphates (0.25 percent); that Vita Salve consisted essentially of petrolatum, paraffin, and 21.4 percent of volatile oils including peppermint oil and methyl salicylate; that Heart Tablets contained essentially milk sugar, small proportions of calcium phosphate and chlorides and traces of sodium, potassium, and iron compounds; that Viripin contained essentially milk sugar, small proportions of calcium phosphate and chlorides and traces of sodium, potassium, and iron compounds; that Lymphin Masc. contained essentially milk sugar, starch, ground plant material, a small proportion of organic nitrogenous material, and 1.4 percent of inorganic material including iron, calcium, sodium, potassium and magnesium phosphates, sulphates, and chlorides; that Lymphin Fem. consisted essentially of milk sugar, starch, ground plant material, a small proportion of organic nitrogenous material and 0.6 percent of inorganic material including calcium, potassium, sodium, iron and magnesium phosphates, chlorides, and sulphates; that Osteon Masc. consisted essentially of milk sugar, starch, a small proportion of organic nitrogenous material, ground plant material, and 2.8 percent of inorganic material, including an insoluble silicate such as talc, calcium phosphate, potassium, sodium, magnesium, iron and manganese sulphates, and chlorides; that Osteon Fem. consisted essentially of milk sugar, starch, a small proportion of an organic nitrogenous material, ground plant material and 3.6 percent of inorganic material including an insoluble silicate such as talc, calcium phosphate, and small proportions of potassium, sodium, magnesium, iron and manganese sulphates, and chlorides; that Zenar No. 5 Pulmonary and Lung Remedy consisted essentially of milk sugar, a trace of sulphur (0.03 percent), and small proportions of other inorganic material including calcium, magnesium, sodium, potassium and iron sulphates, carbonates, phosphates, and chlorides (0.3 percent).

It was alleged in the information that the various Zenar remedies were misbranded in that they were falsely and fraudulently represented to be remedies, respectively, for women's diseases, affections of the glands and goiter, ailments of the heart, diabetes, hardening of the arteries, rheumatism and arthritis, whooping cough, weak nerves (impotence), pulmonary or lung ailments, and kidney, nerve, and bladder ailments.

Misbranding of the remaining products was alleged for the reason that certain statements, designs, and devices appearing in the labeling, regarding their curative and therapeutic effects, falsely and fraudulently represented that they were effective (Ol de Vita) to relieve and conquer rheumatic conditions; and effective as a remedy for various types of pain caused by earache, toothache, dislocations, indigestion, and muscular rheumatic conditions; and effective as a remedy for eruptions of the skin; and effective as a tonic for nervousness, chronic weak nerves, and sleeplessness; and effective as a recuperative in cases of mental and bodily exhaustion; and effective when used in connection with olive oil to dissolve gallstones and to neutralize uric acid blood content; and effective as a wash in promoting health of mouth and teeth and in perfecting the health and beauty of the features; and effective to promote healthy hair growth, to sometimes eliminate hemorrhoids (piles) and to combat diseases of animals and fowls; and effective as the most effective remedy in emergency and chronic cases; (Vita Salve) as a remedy for many ailments; and effective as a healing salve; and effective as a treatment, remedy and cure for skin eruptions and rheumatism; (Hydropin) as a remedy for dropsy; and effective as an effective remedy to which all types of dropsy respond; and effective to react favorably upon the circulation and evacuation system and to exert a radical change toward normalizing the circulatory system away from the tendency of dropsical production; and effective as a remedy for all forms of exudate and transudate (when high blood pressure is not present), pleuritis, pericarditis, peritonitis, the various forms of ascites, dropsy of the joints, and all other forms of dropsy; and effective as exudative, diathesis, and hydremia; and effective to directly influence the excretory glands, to restore the equal balance of hormone production and encourage uninterrupted hormone production in normal, minute quantities acceptable to the blood stream; and effective to encourage and stimulate affected glands into normal production and to insure an

established permanent hormone balance; (Insipin) as a direct remedy and cure for diabetes; and effective to stimulate and correct deficient glands into normal activity, to build a normal water retention in the body cells, to restore vigor to the weakened body organism, and to check the too-free water evacuation of the kidneys; and effective to tone the organs and restore the glands to normal ability; and effective to conquer dermatone and effective to directly influence the excretory glands and to restore the health's balance; and to encourage uninterrupted hormone production in normal minute quantities, acceptable to the blood stream; and effective to encourage and stimulate affected glands into normal productivity and to insure an established permanent hormone balance; (Parcholin) as a safe and reliable remedy to reduce high blood pressure; and effective to exert a restraining influence upon the too-free manufacturing of hormones in the kidney region; and effective as a treatment, remedy, and cure for high blood-pressure conditions, irrespective of the particular cause or governing conditions; and effective to encourage sluggish bowel movement into normal activity to the extent of restoring to normal a paralysis of the bowel condition; and effective as a treatment, remedy, and cure for high blood-pressure types due to various causes, and sluggish bowels; and effective to directly influence the excretory glands in the event of an under or over production of hormones; and effective to restore the health's balance; and effective to restore the equal balance of hormone production and to encourage uninterrupted hormone production in normal minute quantities acceptable to the blood stream; and effective to encourage and stimulate affected glands into normal productivity and to establish a permanent hormone balance; (Herz-Tabletter, Heart Tablets) as a treatment, remedy, and cure for heart ailments; and effective to stimulate and strengthen the heart; (Viripan) as a strengthening remedy for men against premature relaxing and exhaustion of the organs; and effective as an effective remedy in nervous disorders; (Lymphin Masc. and Fem.) as a treatment for the constitutionally weak and the lymphically inclined patient incapable of resisting the assaults of stress or disease; and effective as a remedy to overcome the disturbances in the normal functioning of the thymus, germinative and hypophyse glands; and effective to reach many disturbances of the body and intellect in the aged; and effective as a treatment, remedy, and cure for lymphatic constitution, lymphatic anemia, goiter (protruding eyeball type, accompanied by trembling, rapid heart action), scrofula, and weakness of old age; and effective to restore equal balance of hormone production and to encourage uninterrupted hormone production in normal minute quantities acceptable to the blood stream; and effective to encourage and stimulate effective glands to normal productivity and to assure an established permanent hormone balance; (Osteon Masc. and Fem.) as a treatment, remedy, and cure for rickets, stunted growth, atrophy, scrofula, and faulty digestion; and effective to directly influence the excretory glands in the event of an under production of hormones; and effective to restore health balance and to encourage uninterrupted hormone production in normal, minute quantities acceptable to the blood stream; and to encourage and stimulate affected glands into normal productivity and to insure and establish permanent hormone balance.

Misbranding of the Ol de Vita was alleged for the further reason that the statement, "Properties: destroys cold and catarrhal pus bacilli when taken internally—10 to 20 drops in tablespoonful water, twice daily", borne on the wrappers and bottle labels, was false and misleading, since the said statement represented that the article was a bactericide, whereas it was not a bactericide.

On May 22, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22583. Misbranding of Griscom's Family Liniment. U. S. v. Steelman & Archer, Inc. Plea of guilty. Fine, \$25. (F. & D. no. 30284. Sample no. 8180-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On November 17, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Steelman & Archer, Inc., trading at Philadelphia, Pa., alleging shipment by said company, in violation of the

Food and Drugs Act as amended, on or about March 31, 1932, from the State of Pennsylvania into the State of New Jersey, of a quantity of Griscom's Family Liniment which was misbranded. The article was labeled in part: "Steelman & Archer Successors to Griscom Manufacturing Co., Philadelphia, Pa."

Analysis of a sample of the article by this Department showed it to be a nonhomogenous emulsion consisting essentially of ammonia (0.95 percent), fatty acids, soap, turpentine oil, volatile oils including camphor, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, falsely and fraudulently represented that it was effective as a relief, treatment, remedy, and cure for rheumatism, sore throat, stiff joints, backache, and mumps; effective as a great remedy for all external aches and pains; effective as a relief for pain in the back, poisons and stiffness of limbs; effective as a treatment for influenza, caked udder, swellings, and sweeny in horses and cattle; and effective as a treatment for all pains and swellings.

On May 22, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22584. Misbranding of Hutchison's Big Head Liniment, Hutchison's Magic Oil, and Hutchison's Spleen Mixture and Blood Purifier. U. S. v. J. C. Hutchison, Jr. (Hutchison Medicine Co.). Plea of guilty. Fine, \$5. (F. & D. no. 30285. I. S. nos. 53667, 53668. Sample nos. 13304-A, 13308-A, 13309-A, 13310-A, 13311-A.)

Examination of the drug preparations covered by this case showed that they contained no ingredients or combinations of ingredients capable of producing certain curative or therapeutic effects claimed in the labeling.

On March 8, 1934, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John C. Hutchison, Jr., trading with another at the time of the shipments in question as a partnership under the name of the Hutchison Medicine Co., Texarkana, Tex., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about January 9, February 17, March 22, June 29, and July 11, 1932, from the State of Texas into the State of Louisiana, of quantities of Hutchison's Big Head Liniment, Hutchison's Magic Oil, and Hutchison's Spleen Mixture which were misbranded. The articles were labeled in part: "Manufactured By [or "Prepared By"] Hutchison Medicine Co. Texarkana, Texas."

Analyses of samples of the articles by this Department showed that the Big Head Liniment consisted essentially of turpentine oil, a petroleum oil, and a small proportion of mercuric chloride; that the Magic Oil consisted essentially of oleoresin of capsicum, small amounts of camphor, chloroform, oil of peppermint, a salicylate and tannin, alcohol, and water; and that the Spleen Mixture and Blood Purifier consisted essentially of ammonium chloride, a small proportion of sodium benzoate, a trace of an iron compound, and water.

It was alleged in the information that the articles were misbranded in that certain statements in the labeling, regarding their curative and therapeutic effects falsely and fraudulently represented that the articles were effective (Big Head Liniment) as a treatment for muscular rheumatism and cramps, lumbago, sciatica, stiff neck or back, bronchial coughs, sore throat and chest colds, and ordinary sores; effective as a treatment for tightness in the chest due to cold and ordinary sore throat, as a treatment for boils, felons, cramps, and pains in the side or chest; effective as a remedy for rheumatism, sciatica, lumbago, lame back, soreness in the chest, side, or back, cramps in the muscles, stiff joints, and sore throat; effective to remove soreness from bunions; effective as a remedy in treating pneumonia and stubborn coughs; effective when applied to the chest to relieve the tightness and loosen up the cough; effective as a remedy for piles and to take out the soreness and help to remove the small tumors usually found in such cases; effective as a treatment, remedy, and cure for fistula and poll-evil in horses; effective as a relief for croup and sore throat in horses; effective as a treatment for lame cows; effective as a treatment, remedy, and cure for big head, sweeny, splint, spavin, ringbone, lameness in shoulders and front legs and sitfasts in horses; effective as a remedy for ring hoof and sores of any kind in horses; (Magic Oil) as a treatment for pains in the bowels and stomach, palpitation or smothering of the heart, acute indigestion, weak back, rheumatism, sore throat, croup,

toothache, and earache; effective as a remedy for colic or bots in horses; (Spleen Mixture and Blood Purifier) as a treatment, remedy, and cure for ailments of the spleen; effective as a blood purifier; effective as a treatment for enlarged spleen and torpid liver; effective to act upon the kidneys, causing them to separate the impurities from the blood, ejecting them through the natural excretory channels; effective as a remedy to keep the bowels open; effective as a treatment, remedy, and permanent relief for chronic chills, liver complaint, rheumatism, neuralgia, and malarial troubles; and effective as a remedy to regulate the action of the liver and kidneys.

Misbranding of the Magic Oil was alleged for the further reason that the statement "Magic Oil", borne on the carton and bottle labels, was false and misleading, since the statement represented that the article consisted wholly of oil which contained magic properties, whereas it did not consist wholly of oil and had no magic properties.

On May 7, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$5.

M. L. WILSON, *Acting Secretary of Agriculture.*

22585. Adulteration of elixir iron, quinine, and strychnine, and adulteration and misbranding of milk of bismuth. U. S. v. Walgreen Co. Plea of guilty. Fine, \$100. (F. & D. no. 30319. Sample nos. 4339-A, 4345-A.)

This case was based on an interstate shipment of two lots of drugs, one of which, sold as elixir iron, quinine, and strychnine, a name recognized in the National Formulary, failed to conform to the standard established by that authority; and the other, a quantity of milk of bismuth, labeled as containing in each fluid dram the equivalent of 5 grains of bismuth subnitrate, in fact contained the equivalent of a less amount.

On January 19, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Walgreen Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 28, 1932, from the State of Illinois into the State of Wisconsin, of a quantity of elixir iron, quinine, and strychnine which was adulterated, and of a quantity of milk of bismuth which was adulterated and misbranded. The articles were labeled in part, respectively: (Bottle) "Keller Elixir Iron Quinine and Strychnine * * * Valentine Laboratories, Inc., Chicago"; "Keller Milk of Bismuth * * * Walgreen Co. Chicago."

It was alleged in the information that the elixir iron, quinine, and strychnine was adulterated in that it was sold under a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down in the National Formulary official at the time of investigation, in that it contained not more than 1.376 g of anhydrous alkaloids of quinine and strychnine per 1,000 cc, whereas the said formulary provides that elixir iron, quinine, and strychnine shall contain quinine hydrochloride 8.75 g and strychnine sulphate 0.175 g, equivalent to 7.29 g of anhydrous alkaloids of quinine and strychnine per 1,000 cc, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Adulteration of the milk of bismuth was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold in that each fluid gram of the article was represented to contain the equivalent of 5 grains of bismuth subnitrate; whereas the article contained less than the equivalent of 5 grains of bismuth subnitrate per each fluid dram, namely, not more than 3.9 grains of bismuth subnitrate per each fluid dram.

Misbranding of the milk of bismuth was alleged for the reason that the statement, "Stronger than the N. F. product. Each fluid dram contains the equivalent of 5 grains Bismuth Subnitrate", borne on the bottle label, was false and misleading, since each fluid dram of the article contained less than the equivalent of 5 grains of bismuth subnitrate.

On May 17, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

22586. Misbranding of elixir buchu and juniper compound. U. S. v. Savoy Drug & Chemical Co. Plea of guilty. Fine, \$75. (F. & D. no. 30324. Sample no. 2669-A.)

Analysis of a sample of the drug product involved in this case showed that it contained less alcohol than declared on the label.

On February 21, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Savoy Drug & Chemical Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 23, 1932, from the State of Illinois into the State of Minnesota, of a quantity of elixir buchu and juniper compound which was misbranded. The article was labeled in part: (Bottle) "Elixir Buchu and Juniper Compound Alcohol 20 Per Cent Montgomery Ward & Co., Distributors."

It was alleged in the information that the article was misbranded in that the statement "Alcohol 20 per cent", borne on the label, was false and misleading, since the article contained not more than 9.40 percent of alcohol. Misbranding was alleged for the further reason that the article contained alcohol and the label on the package failed to bear a statement of the quantity and proportion of alcohol contained therein.

On May 17, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$75.

M. L. WILSON, *Acting Secretary of Agriculture.*

22587. Adulteration of tincture cinchona, powdered extract colchicum root, fluidextract colchicum root, fluidextract golden seal (Hydrastis canadensis), tincture stramonium, powdered extract stramonium leaves, powdered extract belladonna leaves, fluidextract kola nut, fluidextract guarana and fluidextract stramonium leaves. U. S. v. Allaire, Woodward & Co. Plea of guilty. Fine, \$350 and costs. (F. & D. no. 30335. Sample nos. 15503-A, 15505-A, 15506-A, 15508-A, 15510-A, 15511-A, 15517-A, 15519-A, 15521-A, 15522-A.)

This case was based on an interstate shipment of various drugs sold under names recognized in the United States Pharmacopoeia or the National Formulary which failed to conform to the requirements of the said authorities. Certain of the products contained a smaller percentage of alkaloids than declared on the labels.

On February 26, 1934, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Allaire, Woodward & Co., a corporation, Peoria, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 23, 1932, from the State of Illinois into the State of Ohio of quantities of various drugs which were adulterated. The articles were labeled in part: "Tincture Cinchona U. S. P."; "U. S. P. 10th Powdered Extract Colchicum Root"; "Fl. Ext. Colchicum Root * * * N. F. 5th"; "Fluid Extract Golden Seal, U. S. P. Hydrastis Canadensis"; "Tincture Stramonium, U. S. P."; "Powdered Extract Stramonium Leaves U. S. P. 10th"; "Powdered Extract Belladonna Leaves U. S. P. Standard 1.25% Alkaloids"; "Fl. Ext. Kola Nut * * * N. F. 5th"; "Fluid Extract Guarana * * * U. S. P. 10th"; "Fluid Extract Stramonium Leaves * * * N. F. Standard 0.25% Alkaloids"; "Allaire Woodward and Company, Peoria, Ill."

The information charged adulteration of certain of the products in that they were sold under names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the pharmacopoeia official at the time of investigation in the following respects:

The tincture of cinchona yielded not more than 0.621 g of the alkaloids of cinchona per 100 cc, whereas the pharmacopoeia provides that tincture of cinchona shall yield not less than 0.8 g of the alkaloids of cinchona per 100 cc.

The powdered extract colchicum root yielded not more than 0.87 percent of colchicine, whereas the pharmacopoeia provides that powdered extract colchicum root shall yield not less than 1.25 percent of colchicine.

The fluidextract golden seal *Hydrastis canadensis* yielded not more than 1.266 g of the ether-soluble alkaloids of hydrastis per 100 cc, whereas the pharmacopoeia provides that fluidextract hydrastis yield not less than 1.8 g of ether-soluble alkaloids of hydrastis per 100 cc.

The tincture stramonium yielded in the three bottles examined 0.0182 g, 0.002 g, and 0.0064 g, respectively, of alkaloids of stramonium per 100 cc; whereas the pharmacopoeia provides that tincture of stramonium yield from each 100 cc not less than 0.0225 g of alkaloids of stramonium.

The powdered extract stramonium leaves yielded not more than 0.746 percent of the alkaloids of stramonium, whereas the pharmacopoeia provides that powdered extract of stramonium leaves yield not less than 0.9 percent of the alkaloids of stramonium.

The powdered extract belladonna leaves yielded not more than 0.98 percent of the alkaloids of belladonna leaves; whereas the pharmacopoeia provides that powdered extract of belladonna leaves yield not less than 1.18 percent of the alkaloids of belladonna leaves; and the standard of strength, quality, and purity of the articles was not declared on the containers thereof.

Adulteration was charged against the remaining products in that they were sold under names recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the tests laid down in said formulary official at the time of the investigation in the following respects:

The fluidextract colchicum root yielded not more than 0.182 g of colchicine per 100 cc, whereas the formulary provides that fluidextract of colchicum root yield not less than 0.31 g of colchicine per 100 cc.

The fluidextract kola nut yielded not more than 0.79 g of caffeine per 100 cc, whereas the formulary provides that fluidextract of kola nut yield not less than 0.85 g of caffeine per 100 cc.

The fluidextract guarana yielded not more than 2.096 g of caffeine per 100 cc, whereas the formulary provides that fluidextract of guarana yield not less than 3.6 g of caffeine per 100 cc.

The fluidextract stramonium leaves yielded not more than 0.2053 g of the alkaloids of stramonium per 100 cc, whereas the formulary provides that fluidextract of stramonium leaves yield not less than 0.22 g of the alkaloids of stramonium per 100 cc.

And the standard of strength, quality, and purity of the articles was not declared on the containers thereof.

Adulteration of all products, with the exception of the fluidextract of guarana, was alleged for the further reason that their strength and purity fell below the professed standard and quality under which they were sold in that they were represented to be products which conformed to the United States Pharmacopoeia or the National Formulary, whereas they were not.

Adulteration of the powdered extract belladonna leaves and the fluidextract stramonium leaves was alleged for the further reason that the former was represented to contain 1.25 percent of alkaloids, whereas it yielded not more than 0.98 percent of alkaloids; and the latter was represented to contain 0.25 percent of alkaloids, whereas it contained a less amount.

On May 11, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$350 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22588. Misbranding of Dr. Platt's Rinex Prescription. U. S. v. 1,044 Large and 360 Small Packages of Dr. Platt's Rinex Prescription. Default decree of condemnation, forfeiture, and destruction. F. & D. no. 30867. Sample no. 49458-A.)

Examination of the drug preparation in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The labeling was further objectionable since the article was represented to be harmless, whereas it contained drugs that may cause harm if taken in overdosage. The acetphenetidin present in the article was not properly declared.

On August 9, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,044 large and 360 small packages of Dr. Platt's Rinex Prescription at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about September 20, 1932, and June 12, 1933, by the Rinex Laboratories, from Cleveland, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of capsules and tablets. Each capsule contained acetphenetidin (a derivative of acetanilid, 1 grain), acetylsalicylic acid (2.3 grains), quinine (0.17 grain), camphor, and an extract of a laxative plant drug. Each tablet contained approximately 4 grains of sodium bicarbonate and starch.

It was alleged in the libel that the article was misbranded in that the statements in the circular, "The Rinex prescription is harmless and may be taken as long as necessary or repeated at intervals, without ill effects * * * leaves no bad after effects", were false and misleading since the article contained acetphenetidin and aspirin, which might have caused harm if taken in overdosage. Misbranding was alleged for the further reason that the package failed to bear on its label a statement of the quantity or proportion of an acetanilid derivative contained in the article, since the declaration of acetphenetidin on the carton was inconspicuous and on neither the carton nor the bottle label was any statement made to the effect that acetphenetidin is a derivative of acetanilid. Misbranding was alleged for the further reason that the labels contained false and fraudulent claims as to the effectiveness of the article in the treatment of hay fever, asthma, catarrh, rose fever, and rose colds.

On March 28, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22589. Misbranding of Dr. Jayne's Bro-da Tonic Pills. U. S. v. 29 Packages of Dr. Jayne's Bro-da Tonic Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31253. Sample no. 58577-A.)

Examination of the drug preparation involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Analysis also showed that the composition of the product did not agree with the formula set out in the circular.

On October 20, 1933, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 packages of Dr. Jayne's Bro-da Tonic Pills at Wilmington, Del., alleging that the article had been shipped in interstate commerce, on or about September 29, 1933, by Dr. D. Jayne & Son, Inc., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it contained (per pill): 0.045 g of iron, phosphorus compounds containing a total of 0.0074 g of phosphorus, copper, manganese, and calcium compounds.

It was alleged in the libel that the article was misbranded in that the following statement appearing in the circular accompanying the article was false and misleading:

"Formula—Each Pill Contains:

Ferr. Reduct.....	.0162 Gm.	Ext. Gentian0081 Gm.
Calc. Glycero phos.....	.0646 Gm.	Pulv. Glycyrrh. Acac. &	
Ext. Nux Vom.....	.0020 Gm.	Sucros. Q.S.....	.3050 Gm."
Oleores Capsic.....	.0016 Gm.		

Misbranding was alleged for the further reason that the labeling falsely and fraudulently represented the article as enriching blood, renewing vitality, restoring appetite, and increasing weight, strength, and vitality; and as efficacious for nervous and physical exhaustion, general debility, underweight, anemia, chronic fatigue, general run-down conditions, lack of vitality, weakness, loss of appetite, lack of energy and endurance, dizziness and light headedness.

On April 4, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22590. Misbranding of Dr. Sayman's Healing Salve. U. S. v. 174 Jars of Dr. Sayman's Healing Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31284. Sample no. 17985-A.)

Examination of the drug product in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 28, 1933, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 174 jars of Dr. Sayman's Healing Salve at Beaumont, Tex., alleging that the article had been shipped in interstate commerce, on or about September 6, 1933, by the T. M. Sayman Products Co., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of boric acid (3.8 percent), zinc oxide (8.5 percent), and camphor (5.0 percent), incorporated in petrolatum.

It was alleged in the libel that the article was misbranded in that the labeling bore false and fraudulent claims relative to its effectiveness in the treatment of catarrh, old sores, sore hands, face, and lips, pimples, boils, felons, itching humors, eczema, tetter, salt rheum, ringworm, sore feet, protruding, blind, bleeding, and itching piles, hemorrhoids, bunions, skin diseases, scalp diseases, acne, scald head in children, dandruff, skin blemishes, rash, pustules, erythema, scrofulous, indolent, chronic old sores, scaling, and crustings, inflammation, wounds, lameness, swollen contracted cords, stiff joints, lacerations, pricks from rusty nails, caked breast, frosted feet, swellings, sore nipples, sore throat, hay fever, ulceration of the nasal passages, throat, lungs, and stomach, sores of any kind, and eczema.

On March 22, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22591. Adulteration and misbranding of C. C. Tonic and misbranding of C. C. Special. U. S. v. Supto Manufacturing Co. Plea of guilty. Fine, \$80 and costs. (F. & D. no. 31321. Sample nos. 35842-A, 35843-A.)

This case was based on interstate shipments of drug preparations labeled with false and fraudulent curative and therapeutic claims. It was also claimed for one of the products, C. C. Tonic for Baby Chicks, that it contained cod-liver oil and would raise more chicks; whereas it contained no cod liver and would not raise more chicks. Both products contained undeclared alcohol.

On March 7, 1934, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Supto Manufacturing Co., a corporation, Des Moines, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, from the State of Iowa into the State of Missouri, on or about January 26, 1933, of a quantity of C. C. Special which was misbranded, and on or about February 27, 1933, of a quantity of C. C. Tonic which was adulterated and misbranded.

Analyses of samples of the article by this Department showed that the C. C. Tonic consisted essentially of small proportions of magnesium sulphate, extracts of plant drugs including catechu, a lactate, sodium benzoate and alcohol (1.5 percent by volume), and water approximately 97 percent (cod-liver oil was not present); and that the C. C. Special consisted essentially of small proportions of magnesium sulphate, extracts of plant drugs including catechu, a lactate, alcohol (1.7 percent) by volume, and water (approximately 97 percent), colored with a red dye.

It was alleged in the information that the C. C. Tonic was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to contain cod-liver oil, whereas it contained no cod-liver oil.

Misbranding of the C. C. Tonic was alleged for the reason that the statements, "C. C. Tonic raises more chicks" and "Ingredients * * * cod liver oil", borne on the bottle label, were false and misleading, since the article contained no cod-liver oil and would not produce more chicks. Misbranding of both products was alleged for the reason that certain statements, designs, and devices, regarding the therapeutic and curative effects of the articles falsely and fraudulently represented that the C. C. Tonic would be effective

as a tonic for baby chicks; effective as a preventive for all bowel troubles; effective to help maintain health and vigor in adult birds; effective as a treatment of birds out of condition; and effective as a treatment for disease; and that the C. C. Special was effective when used alone or in connection with C. C. Tonic, as a worm preventive and as a treatment for infested birds. Misbranding of both products was alleged for the further reason that they contained alcohol and the label on the package failed to bear a statement of the quantity and proportion of alcohol contained therein.

On May 18, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$80 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22592. Adulteration of chloroform liniment. U. S. v. Blumauer-Frank Drug Co. Plea of guilty. Fine, \$200. (F. & D. no. 31325. Sample no. 30787-A.)

This case was based on an interstate shipment of chloroform liniment sold under a name recognized in the United States Pharmacopoeia, which failed to conform to the requirements of the said pharmacopoeia.

On May 2, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Blumauer-Frank Drug Co., a corporation, Portland, Oreg., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 1, 1932, from the State of Oregon into the State of Washington, of a quantity of chloroform liniment that was adulterated and misbranded. The article was labeled in part: "B. F. C. Co. * * * Chloroform Liniment Contains 67% Alcohol * * * Blumauer-Frank Drug Co., Portland, Oregon."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, in that it contained in each 1,000 cc not more than 16.4 g of camphor, and 42.1 percent of alcohol by volume, whereas the pharmacopoeia provides that chloroform liniment shall contain in each 1,000 cc not less than 31.5 g of camphor, and not less than 43 percent of alcohol by volume.

Misbranding was alleged for the reason that the statement "Contains 67% Alcohol", borne on the bottle label, was false and misleading, since the article contained less than 67 percent of alcohol. Misbranding was alleged for the further reason that the article contained alcohol and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

On May 2, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

22593. Adulteration and misbranding of oil of lavender and sodium biphosphate. U. S. v. James Good, Inc., Thomas F. Meehan and John James Cram. Pleas of nolo contendere. Judgment of guilty. Fines, \$50. (F. & D. no. 31327. Sample nos. 37487-A, 37527-A.)

This case was based on shipments of drugs that were represented to be of pharmacopoeial standard but which were found to be below the standard established by the United States Pharmacopoeia.

On May 4, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against James Good, Inc., a corporation trading at Philadelphia, Pa., and Thomas Meehan and John James Cram, of Philadelphia, Pa., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about April 20, 1933, from the State of Pennsylvania into the State of Maryland, of quantities of oil of lavender and sodium biphosphate which were adulterated and misbranded. The articles were labeled in part: "Oil of Lavender [or "Sodium Biphosphate"] U. S. P. * * * James Good, Inc. Philadelphia."

It was alleged in the information that the articles were adulterated in that they were sold under names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation in the following respects: The oil of lavender yielded less than

30 percent of esters calculated as linalyl acetate, namely, not more than 5.88 percent of esters calculated as linalyl acetate; the odor of said article was not characteristic of lavender flowers and said article was not soluble in three volumes of 70 percent alcohol; the specific gravity of the article at 25° C. was more than 0.888, namely, not less than 0.898; the refractive index of said article at 20° was more than 1.4640, namely, not less than 1.4726, and said article, when tested by the method prescribed by the pharmacopoeia for acetins, required less than 4.7 cc of half-normal hydrochloric acid for neutralization, namely, not more than 4.45 cc of half-normal hydrochloric acid for neutralization, whereas the pharmacopoeia provides that oil of lavender shall yield not less than 30 percent of esters calculated as linalyl acetate; that it shall have the characteristic odor of lavender flowers and shall be soluble in three volumes of 70 percent alcohol; that its specific gravity shall not be more than 0.888 at 25°; that the refractive index shall not be more than 1.4640 at 20°, and that when tested for acetins not less than 4.7 cc of half-normal hydrochloric acid shall be required for neutralization; and in that the sodium biphosphate when dried to constant weight contained not more than 93 percent NaH_2PO_4 (sodium dihydrogen phosphate); 0.4 percent water insoluble matter and chloride, per gram, equivalent to 1.5 cc of fiftieth-normal hydrochloric acid; whereas the said pharmacopoeia provides that sodium biphosphate when dried to constant weight shall contain not less than 98 percent of NaH_2PO_4 ; that it is freely soluble in water, and that it shall contain, per gram, chloride corresponding to not more than 0.2 cc of fiftieth-normal hydrochloric acid; and the standard of strength, quality, and purity of the articles was not declared on the containers thereof. Adulteration was alleged for the further reason that the strength and purity of the articles fell below the professed standard and quality under which they were sold.

Misbranding was alleged for the reason that the statements on the labels, "Oil of Lavender U. S. P." and "Sodium Biphosphate U. S. P.", were false and misleading. Misbranding of the oil of lavender was alleged for the further reason that it was a product that contained little, if any, oil of lavender, prepared in imitation of oil of lavender, U. S. P., and was offered for sale and sold under the name of another article, "Oil of Lavender U. S. P."

On May 22, 1934, the defendants entered pleas of *nolo contendere* and were adjudged guilty and the following fines were imposed: James Good, Inc., \$30, T. F. Meehan, \$10, and John J. Cram, \$10

M. L. WILSON, *Acting Secretary of Agriculture.*

22594. Adulteration and misbranding of spirits camphor, essence peppermint, chloroform liniment, and spirits ammonia aromatic. U. S. v. Liebenthal Bros. Co. Plea of *nolo contendere*. Fine, \$150 and costs. (F. & D. no. 31360. Sample nos. 4297-A, 4298-A, 4299-A, 4303-A, 4328-A, 4329-A.)

This case was based on interstate shipments of products labeled as conforming to the requirements of the United States Pharmacopoeia, but which did not so conform. The chloroform liniment and one shipment of essence peppermint were short volume.

On January 26, 1934, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Liebenthal Bros. Co., a corporation, Cleveland, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 13 and July 21, 1932, from the State of Ohio into the State of Wisconsin, of quantities of spirits camphor, essence peppermint, chloroform liniment and spirits ammonia aromatic which were adulterated and misbranded. The articles were labeled in part, variously: "Hi-Test Brand Spirits Camphor U. S. P."; "Hi-Test Essence Peppermint U. S. P. Alcohol 85% * * * 2 Fl. Oz. [or "1 Fl. Oz."]; "Hi-Test Brand Spirits Ammonia Aromatic U. S. P. * * * Distributed only By Hi-Test Laboratories, Cleveland, Ohio."; "Marlo Chloroform Liniment U. S. P. * * * 4 Fl. Oz. Marlo Laboratories, Cleveland, Ohio."

It was alleged in the information that the articles were adulterated in that they were sold under and by names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the pharmacopoeia official at the time of investigation in the following respects: The spirits camphor contained more than 10.5 g of camphor in each 100 cc, the two samples containing 12.4 and 12.6 g,

respectively, of camphor in each 100 cc; whereas the pharmacopoeia provides that spirits camphor shall contain not more than 10.5 g of camphor in each 100 cc; the essence peppermint contained less than 79 percent of alcohol by volume, the two samples examined containing not more than 58.1 percent and 53.6 percent, respectively, of alcohol by volume, whereas the pharmacopoeia provides that essence peppermint shall contain not less than 79 percent of alcohol by volume; the chloroform liniment contained less than 31.5 g, namely, not more than 20 g of camphor per 1,000 cc, whereas the pharmacopoeia provides that chloroform liniment shall contain not less than 31.5 g of camphor per 1,000 cc; and the spirits ammonia aromatic contained less than 18.4 g, namely, not more than 9.56 g of ammonia per 1,000 cc, whereas the pharmacopoeia provides that spirits ammonia aromatic shall contain not less than 18.4 g of ammonia per 1,000 cc; and the standard of strength, quality, and purity of the articles was not declared on the containers. Adulteration was alleged for the further reason that the strength and purity of the articles fell below the professed standard and quality under which they were sold.

Misbranding was alleged for the reason that the statements, "Spirits Camphor U. S. P.", "Essence Peppermint U. S. P. * * * Alcohol 85% * * * 1 Fl. Oz."; "Chloroform Liniment U. S. P. * * * 4 Fl. Oz." and "Spirits Ammonia Aromatic U. S. P.", borne on the labels, were false and misleading since the articles did not conform to the standard prescribed by the pharmacopoeia, the essence peppermint contained less than 85 percent of alcohol, the bottles containing the chloroform liniment contained less than 4 fluid ounces, and the 1-ounce bottles of essence of peppermint contained less than 1 fluid ounce. Misbranding of the essence peppermint was alleged for the further reason that the label failed to bear a statement of the quantity or proportion of alcohol contained in the article.

On May 12, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$150 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22595. Adulteration and misbranding of tincture nux vomica. U. S. v. The Henry B. Gilpin Co. Plea of guilty. Fine, \$200 or 60 days, sentences to run concurrently. (F. & D. no. 31458. Sample no. 30243-A.)

The product in this case consisted of tincture nux vomica, represented to be of pharmacopoeial standard, which contained alkaloids of nux vomica in excess of the amount prescribed by the United States Pharmacopoeia.

On May 15, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against the Henry B. Gilpin Co., a corporation trading at Washington, D. C., alleging that on or about March 21, 1933, the defendant company had sold in the District of Columbia, a quantity of tincture nux vomica which was adulterated and misbranded. The article was labeled in part: "Tincture Nux Vomica U. S. P. * * * The Henry B. Gilpin Company Manufacturing Pharmacists, Baltimore, Md. Norfolk, Va."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the test laid down in the said pharmacopoeia official at the time of investigation in that it yielded more than 0.263 g, namely, not less than 0.291 g of the alkaloids of nux vomica per 100 cc, whereas the pharmacopoeia provides that tincture of nux vomica shall yield not more than 0.263 g of the alkaloids of nux vomica per 100 cc; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the article was represented to be tincture of nux vomica which conformed to the standard laid down in the United States Pharmacopoeia, whereas it was not.

Misbranding was alleged for the reason that the statement "Tincture Nux Vomica U. S. P.", borne on the bottle label, was false and misleading, since the said statement represented that the article was tincture of nux vomica which conformed to the standard laid down in the United States Pharmacopoeia; whereas it was not.

On May 15, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100 or 60 days on each of the two counts of the information, the sentences to run concurrently.

M. L. WILSON, *Acting Secretary of Agriculture.*

22596. Misbranding of Dairmol. U. S. v. Harry C. Campbell (Dairy Laboratories). Plea of nolo contendere. Judgment of guilty. Fine, \$50. (F. & D. no. 31473. Sample no. 41657-A.)

Examination of the drug preparation Dairmol showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On January 17, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harry C. Campbell, a member of a copartnership trading as the Dairy Laboratories, Philadelphia, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about August 15, 1931, from the State of Pennsylvania into the State of Illinois, of a quantity of Dairmol which was misbranded.

Analysis of a sample of the article by this Department showed that it contained 47.0 percent of water, 11.7 percent of alcohol, 4.4 percent of potassium oxide K_2O , 21.0 percent fatty anhydride probably from coconut oil, 2.6 percent coal-tar phenols, and 13.3 percent of essential oils and naphthalene.

It was alleged in the information that the article was misbranded in that the following statements regarding its curative and therapeutic effects, borne on the can label, were false and fraudulent: "Dairmol, especially adapted for the treatment of * * * diseases of the skin and Mucous Membrane * * * powerful penetrating * * * powers * * * Cow Pox—Wash area with 10 percent Dairmol and apply Dairmol full strength to pustule at frequent intervals * * * Recommended for * * * Granular Vaginitis and Putrid Discharges * * * Injuries and Diseases of Mucous Membranes * * * Skin diseases, including many forms of eczema * * * Inflammation of Udder and Caked Udder."

The information also charged a violation of the Insecticide Act of 1910, reported in notice of judgment no. 1327, published under that act. On March 9, 1934, the defendant pleaded nolo contendere for the Dairy Laboratories. Judgment of guilty was entered and a fine of \$50 was imposed for violation of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

22597. Misbranding of Vagitone. U. S. v. Philip D. Vincent (Vincent Laboratories). Plea of guilty. Fine, \$5 and costs. (F. & D. no. 31494. Sample no. 29603-A.)

Examination of the drug product Vagitone disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Bacteriological examination showed that the article was not antiseptic.

On May 17, 1934, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Philip D. Vincent, trading as the Vincent Laboratories, Texarkana, Tex., alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, on or about February 11, 1933, from the State of Texas into the State of Arizona, of a quantity of Vagitone which was misbranded.

Analysis of a sample of the article by this Department showed that it consisted of glycerin, boric acid, phenols, small proportions of zinc oxide, quinine sulphate, thymol and oxyquinoline sulphate, and water, colored with a green dye. Bacteriological examination showed that the article failed to kill *Staphylococcus aureus* in 15 minutes at 37° C., when tested undiluted and was neither antiseptic, nor powerfully antiseptic.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the bottle and carton labels and in leaflets and a circular shipped with the article, falsely and fraudulently represented that it was effective as a very efficient remedy recommended as an aid to the physician in the treatment of leucorrhoea, vaginal catarrh, inflammation of the genital organs and the various diseases of the vagina and uterus, and various inflammatory diseases of the vaginal tract; effective as a treatment for abnormal discharges of various nature in women after they have reached maturity; effective to insure the therapeutic action desired in female illness; effective as of medicinal value in the treatment of ailments peculiar to women; effective to heal permanently lacerations resulting from childbirth; and effective to arrest profuse menstruation. Misbranding was alleged for the further

reason that the statement, "Powerfully Antiseptic", borne on the carton and bottle labels, and the statements, "Powerfully Antiseptic Directions For Using. Insert the glass barrel of the syringe in the bottle and then withdraw the plunger, thus sucking the fluid into the barrel", "Powerfully Antiseptic * * * Directions For Using. Fill the syringe by inserting the glass barrel in the bottle and pulling the plunger up until the required amount of the fluid has been drawn in", borne on the leaflets, were false and misleading, since the article was not powerfully antiseptic when used as directed.

On May 21, 1934, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22598. Adulteration of ether. U. S. v. 123 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28498. Sample no. 2306-A.)

Analyses of samples of ether from the shipment involved in this case showed that peroxide, a decomposition product, was present in 8 of the 20 cans examined.

On August 2, 1932, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 123 quarter-pound cans of ether at Amarillo, Tex., alleging that the article had been shipped in interstate commerce, on or about September 10, 1931, by Mallinckrodt Chemical Works, from St. Louis, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ether for Anesthesia."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, and its own standard was not stated on the label.

On May 29, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22599. Adulteration and misbranding of white camphor liniment; and misbranding of Standard's Compound Milk of Magnesia, Standard's Compound Epsom Salt Tablets, syrup of wild cherry, flaxseed and menthol, compound white pine and tar cough syrup, compound boric acid powder, and oil of wintergreen. U. S. v. 11 Bottles of Standard's Compound Milk of Magnesia, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 31620 to 31626, incl. Sample nos. 43965-A, 43968-A, 51755-A, 51756-A, 51757-A, 51761-A, 51768-A.)

This case involved interstate shipments of various drug preparations. With the exception of the Epsom salt tablets the labels of the articles contained unwarranted curative and therapeutic claims. The Epsom salt tablets contained an extract of a laxative plant drug which would produce their principal therapeutic action, rather than the relatively small amount of Epsom salt present; the syrup of wild cherry, flaxseed and menthol, the compound white pine and tar cough syrup, and the camphor liniment contained physiologically active constituents other than those indicated by the designations; the camphor liniment was sold under a name recognized in the United States Pharmacopoeia, and differing from the standard established by that authority; the syrup of wild cherry, flaxseed and menthol contained undeclared alcohol; and the compound boric acid powder was represented to be a compound and to be an antiseptic wash, whereas it contained no ingredient except boric acid, and was not antiseptic.

On November 25, 1933, the United States attorney for the Northern District or New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure of various pharmaceuticals at Syracuse, N. Y., alleging that the articles had been shipped in interstate commerce on or about September 15, and 30, 1933, by the Connecticut Chemical & Disinfectant Co., from New Haven, Conn., and charging adulteration and misbranding of the camphor liniment and misbranding of the remaining products in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Standard's Compound Milk of Magnesia * * * Standard Pharmaceutical Co., New York City"; "Standard's Compound Epsom Salt Tablets"; "Syrup of Wild Cherry, Flaxseed and Menthol"; "White Camphor Lini-

ment * * * [bottle] Conn. Chemical Co., New Haven, Conn. [carton] Standard Pharmacal Co., New York City"; "Compound White Pine and Tar Cough Syrup"; "Compound Boric Acid Powder"; "Oil of Winter-green * * * Standard Pharmacal Co., New York City."

Analyses of samples of the articles by this Department showed that Standard's Compound Milk of Magnesia consisted essentially of magnesium hydroxide (8 percent), bismuth hydroxide (0.7 percent), and water; the compound Epsom salt tablets consisted of an extract of a laxative plant drug, magnesium sulphate (Epsom salt, 5 grains per tablet), calcium carbonate, and sugar; the syrup of wild cherry, flaxseed and menthol consisted essentially of ammonium chloride (1.5 g per 100 cc), a benzoate, extracts of plant material, including wild cherry, menthol, chloroform, alcohol (4.5 percent by volume), sugar, and water; the white camphor liniment consisted essentially of turpentine oil, camphor, chloroform, ammonia, soap, and water; the compound white pine and tar cough syrup consisted essentially of ammonium chloride (1.5 g per 100 cc), tar, extracts of plant drugs, chloroform, alcohol, sugar, and water; the compound boric acid powder consisted of boric acid; and the oil of winter-green consisted essentially of methyl salicylate. Bacteriological tests of the compound boric acid powder showed that it would not constitute an antiseptic wash.

It was alleged in the libel that the camphor liniment was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity prescribed by that authority and its own standard of strength, quality, and purity was not stated on the label.

Misbranding of the camphor liniment was alleged for the reason that the designation "Camphor Liniment" was false and misleading since it contained physiologically active ingredients other than camphor.

Misbranding of the Epsom salt tablets was alleged for the reason that the statements on the label, "Standard's Compound Epsom Salt Tablets to be used in Place of Disagreeable Epsom Salts", were false and misleading in view of the actual composition of the article since it consisted essentially of an extract of a laxative plant drug, Epsom salt (5 grains per tablet), calcium carbonate, and water.

Misbranding of the syrup of wild cherry, flaxseed and menthol was alleged for the reason that the designation of the product was false and misleading since the article contained physiologically active constituents other than menthol and those derived from wild cherry and flaxseed; and for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article.

Misbranding of the compound white pine and tar cough syrup was alleged for the reason that the designation of the article was false and misleading since it contained physiologically active constituents other than white pine and tar.

Misbranding of the compound boric acid powder was alleged for the reason that the statement on the label, "as an antiseptic wash", was false and misleading since a solution of the product was not antiseptic; and in that the statement on the label, "Compound Boric Acid Powder", was false and misleading since the article contained no ingredient except boric acid.

Misbranding of certain of the products was alleged for the further reason that the following statements on the labels regarding the curative or therapeutic effects of the articles were false and fraudulent: (Milk of magnesia, label) "Used to correct acidity of the stomach and of the secretions of the mouth, thus preventing decay of the teeth"; (syrup of wild cherry, flaxseed, and menthol, bottle) "Helpful in relieving coughs, hoarseness, and other irritated and inflamed bronchial conditions. For adults, 1 teaspoonful every 3 or 4 hours; for children 12 years old, $\frac{2}{3}$ teaspoonful; 8 years old, $\frac{1}{2}$ teaspoonful; infants, 5 to 10 drops"; (carton) "Helpful in Relieving Coughs, Hoarseness Irritated and Inflamed Bronchial Conditions"; (white camphor liniment, bottle) "To be used externally to relieve pain by applying freely to the affected parts and rubbing for a few minutes. Recommended for Rheumatism"; (carton) "Useful in cases of * * * Rheumatism"; (compound white pine and tar cough syrup, bottle and carton) "For Acute and Chronic Affections of The Throat and Lungs. * * * Coughs, * * * and Whooping Cough"; (bottle label only) "Directions For Adults, one teaspoonful every 3 or 4 hours; for children 12 years old, two-third teaspoonful; Infants 5 to 10 drops"; (compound boric acid powder, label) "Wash for ulcers and abscesses * * *

widely used * * * in inflammations of mucous membranes"; (oil of wintergreen) "Used in various forms of rheumatism Apply locally."

On March 14, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22600. Misbranding of Blis-To-Sol. U. S. v. 57 Bottles of Blis-To-Sol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31673. Sample no. 39391-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling; also that the label failed to declare the alcohol present in the article.

On or about December 7, 1933, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 57 bottles of Blis-To-Sol at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce, on or about October 19, 1933, by the Blis-To-Sol Co., from Fitzgerald, Ga., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of salicylic acid (7.4 g per 100 ml), boric acid (1 g per 100 ml), alcohol (61 percent by volume), acetone (4.9 g per 100 ml), methyl salicylate, glycerin, and water, colored with a yellow dye.

It was alleged in the libel that the article was misbranded in that the package failed to bear upon its label a statement of the quantity or proportion of alcohol contained in the article. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Carton) "For * * * Tetter Eczema * * * and other parasitic skin diseases * * * The diseased skin will scarf off * * * Blistering feet * * * For Tetter—Eczema * * * For the Skin diseases known as * * * also tetter, eczema"; (bottle) "For * * * Tetter Eczema * * * and other parasitic skin diseases. * * * After three or four days the diseased skin will scarf off * * * for the skin diseases known as * * * Also tetter, eczema"; (circular) "Relieves hand tetter in 4 days * * * relieves eczema in 3 days * * * a most reliable remedy for * * * Eczema and Tetter. * * * It readily penetrates into the skin and kills the parasite * * * for * * * eczema * * * for * * * tetter, eczema * * * its effect upon the skin * * * when a person has an itching skin caused from eczema * * * Blistering feet * * * the healing element seems to sink through the pores of the skin; the powerful antiseptic kills the disease germ and after a few applications you can remove the diseased skin, leaving a clean healthy skin. * * * skin sufferers * * * For * * * Blistering and Aching feet. * * * After about five to six applications the diseased skin will scarf off. * * * For Eczema * * * For Sores * * * around the edges of the sores * * * If around the sores should small red pimples appear, be sure to apply full strength to these pimples. This will prevent them from making sores; it kills the infection. * * * it is very valuable for * * * boils * * * for Itching Piles."

On May 18, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22601. Misbranding of Kelfood. U. S. v. 71 Small Bottles, et al., of Kelfood. Default decree of destruction. (F. & D. no. 31796. Sample no. 61379-A.)

Examination of a sample of Kelfood showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The labeling was further objectionable since the article was represented to consist exclusively of products derived from the sea, whereas it contained ingredients derived from other sources.

On December 30, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court

a libel praying seizure and condemnation of 71 small bottles, 23 medium bottles, and 12 large bottles of Kelfood at Ogden, Utah, alleging that the article had been shipped in interstate commerce, on or about November 4, 1933, by the Protective Diet League, from Hollywood, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Examination of a sample of the article by this Department showed that it consisted of tablets containing sea weed, a small proportion of fatty oil, and yeast.

It was alleged in the libel that the article was misbranded in that the cut depicting a wave and the accompanying statement, "From the Sea", and the name of the article, "Kelfood", appearing on the label and in the large circular, the statement, "Prepared from Pacific Marine Vegetables", on the bottle label, and the statements, "Sea Vegetables from which the product is prepared—The Sea—the Source of Kelfood", "It is the * * * Sea Vegetable Tablet", in the large circular, were false and misleading, since the article did not consist exclusively of kelp or other plant material derived from the sea. Misbranding was alleged for the further reason that the labeling contained false and fraudulent statements regarding its anti-infective, antisterility, life-giving, health-maintaining, growth-promoting properties and its effects in cases of ill health brought on by years of careless dietary habits, deficiency diseases, goiter, asthma, glandular derangements, undernourishment, rheumatism, low vitality, chronic constipation, stomach disorders, nervousness, female troubles, vague border-line conditions of ill health which incapacitate the patient, obesity, impotence, frigidity, neuritis, skin diseases, anemia, fatigue, headache, general debility, soft bones, tooth decay, rickets, acidosis, mental fatigue, arthritis, kidney disorders, bladder disorders, heart trouble, indigestion, and underweight.

On March 12, 1934, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22602. Misbranding of Jo-Lova Tea. U. S. v. 40 Cartons, et al., of Jo-Lova Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31932. Sample nos. 66697-A, 66699-A.)

This case involved a product, the labels of which contained unwarranted curative and therapeutic claims. The article was also represented to be rich in vitamin content, whereas it was not.

On February 6, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 cartons containing quarter and half-pound cans, one carton containing a number of small bags, and two hundred and thirty-nine 1-pound cans, of Jo-Lova Tea at Denver, Colo., consigned by Paraguay Tea, Inc., Miami, Fla., alleging that the article had been shipped in interstate commerce, on or about October 31, and December 2, 1933, from Miami, Fla., into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of yerba maté.

It was alleged in the libel that the article was misbranded in that the statement on the carton label, "Rich in * * * Vitamin Content", was false and misleading. Misbranding was alleged for the further reason that the labels contained false and fraudulent statements with reference to its life, health, strength, pep, and vim-giving, life-preserving, body-building, tonic, invigorating, blood-improving, heart-supporting, and vitalizing properties; its use as a substitute for bread, vegetables, and cod-liver oil; its ability to protect against rickets and the effects of impure water, to give resistance to infectious diseases, to increase intellectual lucidity and vigor, and to reestablish and maintain body-resistance; its effects in disorders arising from an ill-balanced diet, malnutrition, anemia, disorders of the stomach, indigestion, deficiency diseases, debilitated conditions, rheumatism and kindred troubles, depression following overexertion and alcoholic overstimulation, and depressing infectious diseases; and its beneficial effects on the internal glands, muscles, nerves, and kidneys.

On April 2, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22603. Misbranding of Martin's Herb Tablets. U. S. v. 11 Large Packages and 18 Small Packages of Martin's Herb Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31969. Sample no. 60637-A.)

Examination of a sample of Martin's Herb Tablets showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On February 14, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 large and small packages of Martin's Herb Tablets at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about January 15, 1934, by the Martin Herb Co., from Pittsburgh, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it contained ground plant material.

It was alleged in the libel that the article was misbranded because of false and fraudulent representations in the labeling regarding its effects in diseases of the stomach, kidneys, liver, bowels, blood, lungs and skin, rheumatism, nervous trouble, dyspepsia, sick and nervous headaches, female complaints, neuralgia, fever and ague, scrofula, erysipelas, catarrh, general debility, intermittent and bilious fevers, typhoid fever, itch, tetter, cancerous affections, jaundice, gravel, dropsy, stoppage of urine, and coughs.

On April 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

22604. Misbranding of Oxiton Mouth Wash. U. S. v. 485 Bottles of Oxiton Mouth Wash. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31991. Sample no. 67120-A.)

This case involved a shipment of Oxiton Mouth Wash, the labels of which contained unwarranted therapeutic and curative claims.

On February 15, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 485 bottles of Oxiton Mouth Wash at Newark, N. J., alleging that the article had been shipped in interstate commerce, on or about October 21, 1932, by Royal Sundries Corporation, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Oxiton Mouth Wash * * * Oxiton Products Co., Boston, Mass."

Analysis of a sample of the article by this Department showed that it consisted essentially of manganese, sulphate, and water, flavored with oil of cinnamon and colored with amaranth.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Bottle) "Used by members of the dental and medical professions in the treatment of troublesome mouth conditions, * * * its use leaves the mouth in a healthy * * * condition. * * * In cases of trench mouth, pyorrhea, bleeding and spongy gums use Oxiton full strength as a mouth wash. To keep the gums firm and to assist in overcoming an unhealthy condition caused by food deposits dilute with equal parts of water and rinse the mouth thoroughly."

On May 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, Acting Secretary of Agriculture.

22605. Misbranding of East India Injection, Cholerine, Bloodzone, and Bloodzone Special. U. S. v. Benjamin McKenzie (East India Medicine Co.). Plea of nolo contendere. Fine, \$200. (F. & D. no. 31464. Sample nos. 4615-A, 4616-A, 4617-A, 13863-A, 13864-A, 13865-A, 21993-A, 21994-A, 34117-A, 34118-A.)

Examination of the drug preparations in this case showed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed on the labels.

On May 24, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Benjamin McKenzie, trading as the East India Medicine Co., St. Louis, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, between the dates of September 7, 1932 and October 14, 1932, from the State of Missouri into the States of Indiana, Kentucky, Wisconsin, and Arkansas, of quantities of East India Injection, Cholerine, Bloodzone and Bloodzone Special which were misbranded.

Analyses of samples of the articles by this Department showed that the East India Injection consisted essentially of a small amount of herboline alkaloid dissolved in water; the Cholerine consisted essentially of extracts of plant drugs, including capsicum, small amounts of camphor and chloroform, alcohol (5.7 percent and 6.5 percent, respectively, in the two samples) sugar, and water; the Bloodzone consisted essentially of small amounts of extracts of plant drugs including licorice, alcohol (15.4 percent by volume), sugar, and water; and the Bloodzone Special consisted essentially of plant drugs, potassium iodide (3.75 g per 100 cc), alcohol, sugar, and water.

It was alleged in the information that the articles were misbranded in that certain statements, designs, and devices regarding their curative and therapeutic effects, appearing in the labeling, falsely and fraudulently represented that they were effective (East India Injection) as a venereal medicine and effective to heal venereal diseases, (Cholerine) to give prompt relief in diarrhoea, cramp colic, cholera morbus, summer complaint, and looseness of the bowels caused by digestive trouble, food impurities, or hot weather; effective to exercise a most beneficial influence in stomach and bowel disorders incident to hot weather and in cramps, or diarrhoea caused by unripe or overripe fruit, impurities in the food, fermentation in the stomach, and indigestion; effective as a valuable pain relief in such cases; effective to give quick relief in cramps or griping pains, to check running of the bowels, and to help the restoration of normal conditions; effective as a prompt relief for acute diarrhoea; effective as a treatment, remedy, and cure for cholera morbus, flux, dysentery, infantile diarrhoea, colic, bowel disorders, diarrhoea, purging, inflammation of the bowels, inflammatory diarrhoea, summer complaints, cholera infantum, inflammation of the colon, and cramps; effective to insure recovery of health to those disheartened and discouraged with physician's treatment, and to make those who are afflicted with hopeless diseases well and happy; (Bloodzone and Bloodzone Special) as a tonic and blood medicine to improve the quality of the blood when it is weak, thin, impure, or lacking in richness and nourishing properties; and effective to restore the purity, richness, and quality of weak or diseased blood, and to prevent "decay of constitutional strength"; (Bloodzone Special) as a treatment, remedy, and cure for scrofula, skin diseases, syphilis, eczema, gout, rheumatism, and all manner of blood disorder; effective as a cure for many old chronic troubles, all manner of blood and skin diseases, catarrh, female diseases of every kind, diseases peculiar to men, lost vitality, nervous disorders, stomach, liver, and kidney troubles, piles, lameness, and stiff joints; effective as a female tonic and general vitalizer; effective to insure recovery of health to those disheartened and discouraged with physician's treatment and to make those who are afflicted with hopeless diseases well and happy; effective to cleanse and tone up the system, to produce a fresh supply of rich red blood, to increase vitality, to insure sound, refreshing sleep, health and happiness, and a brighter outlook on life; effective as a great blood medicine and as a remedy for deep-seated diseases of the blood; effective to tone up the system, strengthen the body, steady the nerves, purify and enrich the blood, bring sound and refreshing sleep, energy, and vitality, and start anew the vim and activity of robust health; effective as a powerful remedy for rheumatism, weak joints, ulcers, boils, carbuncles, wasting diseases, pale bloodless complexion, nervous diseases of women, pale sickly girls, weak constitution, inherited blood taints, scrofula, and rickets in children; effective as a blood purifier and as a body builder for thin, pale, nervous, and debilitated people; effective as a treatment for leprosy; effective to remove the cause of weakness of the female organs of generation; effective to tone up the lax conditions of the womb, ovaries, and tubes; effective as a treatment for tired, run-down feeling in women due to leucorrhoea or the whites, lacerations or tears in the neck of the womb, inflammation, ulceration, pain during menstrual period, continual menstrual flow, and everlasting bearing-down pains; and effective as very beneficial in convalescence from flu, scarlet

fever, diphtheria, measles, smallpox, pneumonia, or any disease which impoverishes the blood.

On June 27, 1934, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

22606. Misbranding of witch hazel. U. S. v. 70 Bottles, et al., of Witch Hazel. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32041, 32419. Sample nos. 67056-A, 67613-A, 67614-A.)

Examination of the witch hazel involved in these cases showed that the labeling contained unwarranted curative and therapeutic claims.

On February 27 and March 27, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 171 large bottles and 53 small bottles of witch hazel at Scranton, Pa., alleging that the article had been shipped in interstate commerce by the Hallock-Denton Co., from Newark, N. J.; that portions had been shipped in various shipments on or about May 24 and September 13, 1932, November 29 and December 15, 1933, and January 15, 1934; that the remainder had been shipped at some time prior to 1933; and that the article was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it was distilled extract of witch hazel.

It was alleged in the libels that the article was misbranded in that the following statements appearing on the labels, regarding its curative or therapeutic effects, were false and fraudulent: (Bottle, large size) "For the relief of * * * Wounds, Painful Swellings, Lame Back, Piles, Sore Throat * * * Rheumatism * * * & C & C. Directions For all external inflammation bathe freely with the extract and if convenient apply a cloth wet with the extract and keep it moist until relieved. * * * For open wounds, ulcers, old sores, sore nipples, sore eyes & C dilute one half with pure water and use in the same way"; (bottle and carton, small size) "A valuable remedy for the relief of rheumatism * * * piles, ulcers, sore feet, and in all cases where an external remedy is required. For internal disease take from ten to thirty drops in a little cold water."

On August 21, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22607. Misbranding of Phyllosan. U. S. v. 35 Bottles and 107 Bottles of Phyllosan. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32782, 32783. Sample nos. 11326-A, 11333-A.)

This case involved shipments of Phyllosan, the labels of which bore unwarranted curative and therapeutic claims.

On May 28, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 142 bottles of Phyllosan at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about May 2 and May 9, 1934, by J. G. McElvie, from Ramsey, N. J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extract of plant material, chiefly chlorophyll, and inorganic material, chiefly calcium phosphate.

It was alleged in the libel that the article was misbranded in that the following statements in the labeling were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: (Carton) "Stimulates Blood Making Organs Builds Red Blood Invigorates and Energises * * * Resulting in marked and progressive improvement * * * The Improvement Under its use is Marked and Progressive"; (bottle) "Builds Red Blood Stimulates Blood Making Organs Increases the number of red cells and the Hemoglobin * * * Improves Metabolism Phyllosan is readily

absorbed into the blood * * * resulting in marked and progressive improvement."

On June 15, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22608. Adulteration and misbranding of whisky. U. S. v. 75 Cases, et al., of Whisky. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 32739, 32772, 32773, 32781. Sample nos. 41448-A, 72132-A, 72133-A, 72134-A, 72151-A, 72153-A.)

This case involved whisky, labeled "for medicinal purposes" which failed to conform to the specifications of the United States Pharmacopoeia since it had not been aged for 4 years in charred wood containers, it contained caramel which concealed lack of storage and is specifically prohibited by the pharmacopoeia, and the acidity and esters were less than the minimum required by the pharmacopoeia. The alcohol content was declared as "proof" and not in percentage of alcohol.

On May 21, May 26, and May 29, 1934, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 242 cases and 140 bottles of whisky at St. Louis, Mo. On May 26, 1934, a libel was filed in the Eastern District of Illinois against 45 cases and 21 bottles of whisky at East St. Louis, Ill. It was alleged in the libels that the article had been shipped in interstate commerce, in various shipments, on or about December 20, 1933, January 12 and February 1, 1934, by the Brown-Forman Distillery Co., from Louisville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled, variously: "Old Hawthorne A Blend of Whiskies"; "Old Polk 100 Proof Straight Whisky"; Major Paul's A Blend of Whiskies"; (all brands) "For Medicinal Purposes Only."

It was alleged in the libels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement, "For Medicinal Purposes Only", borne on the labels, was false and misleading and for the further reason that the article failed to bear a statement on the label of the quantity or proportion of alcohol contained therein. Misbranding was alleged with respect to a portion of the article for the further reason that the statement "Straight Whisky" was false and misleading.

On June 6 and June 7, 1934, the Brown-Forman Distillery Co., Louisville, Ky., claimant, having admitted the allegations of the libels and having consented to the entry of decrees condemning and forfeiting the product, judgments were entered finding the product adulterated and misbranded, and ordering that it be released to the claimant upon payment of costs and the execution of bonds totaling \$5,500, conditioned that it should not be sold or disposed of until relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22609. Misbranding of Rabbit Supto. U. S. v. Supto Manufacturing Co. Plea of guilty. Fine, \$10 and costs. (F. & D. no. 32119. Sample no. 36618-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 6, 1934, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Supto Manufacturing Co., a corporation, Des Moines, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about March 15, 1933, from the State of Iowa into the State of Illinois, of a quantity of Rabbit Supto which was misbranded.

It was alleged in the information that the article was misbranded in that the following statements appearing on the can label, regarding the therapeutic

effects of the article, were false and fraudulent: "The fumes from evaporation after use in the hutch will satisfactorily combat colds and snuffles."

The information also charged a violation of the Insecticide Act of 1910, reported in notice of judgment no. 1297, published under that act. On May 18, 1934, a plea of guilty to both charges was entered on behalf of the defendant company, and the court imposed a fine of \$10 on each of the two counts, together with costs of the action.

M. L. WILSON, *Acting Secretary of Agriculture.*

22610. Adulteration and misbranding of Fresca Antiseptic Powder. U. S. v. 58 Packages of Fresca Antiseptic Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32259. Sample no. 65087-A.)

Examination of the drug preparation involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Bacteriological examination showed that the article was not an antiseptic when used as directed.

On March 10, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 packages of Fresca Antiseptic Powder at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about February 8, 1934, by the Fresca Co., from Lansing, Mich., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of boric acid, alum, and small amounts of phenol and oil of peppermint. Bacteriological examination showed that it was not antiseptic even when tested in solutions 10 times as strong as that recommended on the labeling.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Antiseptic * * * For Feminine Hygiene."

Misbranding was alleged for the reason that the following statements appearing in the labeling, were false and misleading: (Box) "Antiseptic Powder * * * For Feminine Hygiene"; (circular) "Antiseptic * * * 'An Antiseptic Powder for women is a boon' * * * The greatest wealth cannot buy a better antiseptic, Fresca * * * An antiseptic * * * Fresca is far superior to all other antiseptics. As an antiseptic." Misbranding was alleged for the further reason that the box label and circular contained false and fraudulent statements regarding the use of the article in inflammations of the female generative tract, troubles peculiar to women, any trouble along the vaginal tract, vaginitis, leucorrhoea, social or venereal diseases, wounds, removing proud flesh, stopping discharge of pus, sleeplessness, catarrhal disease of the womb, piles, hemorrhoids, abscesses, wounds, athlete's foot, and ringworm.

On April 6, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22611. Misbranding of Womanette. U. S. v. 35 Bottles and 23 Bottles of Womanette. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32260. Sample nos. 61952-A, 61953-A.)

Examination of the drug preparation Womanette showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 12, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 bottles of Womanette at Dallas, Tex., alleging that the article had been shipped in interstate commerce by L. Wilzin, in part on or about January 2, 1934, from Leland, Miss., and in part on or about January 12, 1934, from Greenville, Miss., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Manufactured by the Capital Remedy Co., Incorporated, Jackson, Mississippi"; (wrapper) "Distributed by Bolton Medicine Co., Bolton, Miss."

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts from plant drugs, potassium bromide, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the bottle label and wrapper, were false and fraudulent: (Wrapper) "Womanette * * * Recommended as a tonic and as a help in giving relief when caused by disorders peculiar to women and girls when not caused by natural deformities or that do not require surgical attention"; (bottle) "For pains, such as menstrual cramp, headaches, etc. * * * until pain is relieved."

On May 28, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22612. Misbranding of Tona Spaf. U. S. v. 778 Bottles of Tona Spaf. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32258, 32297, 32405. Sample nos. 62051-A, 62094-A, 66179-A.)

Examination of the drug preparation involved in these cases showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 8, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 778 bottles of Tona Spaf at New York, N. Y., alleging that the article had been shipped in interstate commerce into the State of New York, in violation of the Food and Drugs Act, from Scranton, Pa., by the Penn Drug & Supply Co. On or about March 12 and March 22, 1934, the libels were filed in the District of Maryland against 481 bottles of Tona Spaf at Baltimore, Md., alleging that the article had been shipped in interstate commerce, in violation of the Food and Drugs Act as amended, in part on or about May 6, 1933, by the Sunshine Pharmaceutical Co., Inc., from New York, N. Y., and in part on or about November 4, 1933, by the National Manufacturing Co., from New York, N. Y. One lot of the article was labeled in part: "Tona Spaf * * * Prepared by Munyon Remedy Co., Scranton, Pa."

Analysis of a sample of the article by this Department showed that it consisted essentially of an iron and phosphorous compound, traces of other inorganic compounds including an arsenic compound, alcohol, water, and flavoring material.

It was alleged in the libels that the article was misbranded because of false and fraudulent statements in the labeling regarding its effects in nervous exhaustion, fatigue, run-down and weakened condition, colds, grip, influenza, anemia, insomnia, diabetes, acidosis, senility, dyspepsia, exhaustion, indigestion, palpitation, debilitation, tired feeling, malnutrition, blood disorders, lost functional nerve activity, debilitated conditions following long and protracted illness, skin disorders, chlorosis, and other conditions involving degenerative blood processes, chills and fever, and general disorders.

On April 17 and April 28, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22613. Adulteration and misbranding of Warm Springs Crystal Compound. U. S. v. 736 Packages, et al., of Warm Springs Crystal Compound. Default decrees of condemnation and destruction. (F. & D. nos. 32045, 32061, 32240, 32249, 32273, 32301, 32304. Sample nos. 36052-A, 38475-A, 48179-A, 48180-A, 50596-A, 50606-A, 60853-A, 60856-A, 69057-A.)

These cases involved interstate shipments of a product labeled to convey the impression that it consisted of the minerals obtained by evaporation of the water of Warm Springs, Ga. Analysis showed that the article had not been produced from the water of Warm Springs. The labeling of the article bore unwarranted curative and therapeutic claims.

On March 2, 3, 7, 12, 15, and 17, 1934, the United States attorneys for the Western District of Oklahoma, the Western District of Kentucky, Southern District of California, Southern District of Ohio, the Western District of Texas, and the Northern District of California, acting upon reports by the Secretary

of Agriculture, filed in their respective district courts libels praying seizure and condemnation of the following quantities of Warm Springs Crystal Compound: 736 packages at Oklahoma City, Okla.; 699 packages at Louisville, Ky.; 576 packages at Los Angeles, Calif.; 336 packages at Cincinnati, Ohio; 20 cases at El Paso, Tex.; and 60 cases at San Francisco, Calif. It was alleged in the libels that the article had been shipped in interstate commerce in various lots, between the dates of January 24 and February 26, 1934, by the Warm Springs Crystal Sales Co., from Warm Springs, Ga. and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium sulphate (Glauber's salt).

The libels alleged that the article was adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, since the label represented that it was Warm Springs Crystal Compound, whereas it was not made of the waters of Warm Springs, Ga., but consisted essentially of sodium sulphate (Glauber's salt).

Misbranding was alleged for the reason that the statements on the label, "Warm Springs Crystal Compound. These superior compound crystals come to you direct from one of America's most famous Health Resorts, * * * Distributed by Warm Springs Crystal Co. Warm Springs, Ga." and "Warm Springs 'The Nation's Health Resort'", were false and misleading. Misbranding was alleged for the further reason that the article was an imitation of another article and was offered for sale under the name of another article, crystals obtained by the evaporation of the water of Warm Springs, Ga. Misbranding was alleged for the further reason that the following statements on the label regarding the curative and therapeutic effects of the article were false and fraudulent: "An ideally balanced and efficient preparation which may be used as an aid in neutralizing conditions of Gastric Hyperacidity without an abnormal systemic alkalinity."

On April 2, April 10, April 17, June 11, June 23, and September 27, 1934, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22614. Misbranding of Apple-Lax. U. S. v. 132 Boxes and 138 Boxes of Apple-Lax. Default decree of condemnation and destruction.
(F. & D. no. 32274. Sample nos. 43090-A, 43091-A.)

This case involved a product labeled to convey the impression that it was a laxative obtained from apples. Analysis showed that the article contained the drug phenolphthalein which would produce its principal laxative effect.

On or about March 9, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 270 boxes of Apple-Lax at Hartford, Conn., alleging that the article had been shipped in interstate commerce, on or about January 19, 1934, by the Apple Concentrates Corporation, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Apple-Lax * * * Manufactured for Apple Concentrates Corp., New York by Henry Heide, Incorporated * * * New York, N. Y."

Analysis of a sample of the article by this Department showed that it consisted of hemispherically shaped pieces containing in each, phenolphthalein (0.7 grain) and concentrated apple juice, coated with sugar and colored red.

It was alleged in the libel that the article was misbranded in that the design of an apple appearing on the retail cartons, the display cartons, and the accompanying circular, was false and misleading and in that the following statements appearing on the cartons and in the circular were false and misleading, (display carton) "Apple-Lax * * * Made with Concentrated Juice of Sun-Ripe Apples", (retail carton) "Apple-Lax * * * Safe", (circular) "Apple-Lax * * * Made with the pure concentrated juices of sun-ripe apples, it carries laxative properties that Nature gave the Apple. Apple-Lax contains 'malic' the valuable intestinal antiseptic * * * Apple-Lax is guaranteed * * * wholesome * * * Eat Apple-Lax just as you would an apple * * * You'll like its delicious apple taste", since the active laxative ingredient of the article was phenolphthalein, a synthetic coal-tar drug, and the article was not safe, wholesome, nor antiseptic to the intestinal tract.

On April 2, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22615. Misbranding of Cly-Tone Tonic. U. S. v. 10 Bottles of Cly-Tone Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32316. Sample no. 61958-A.)

Examination of the drug preparation Cly-Tone Tonic showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 19, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bottles of Cly-Tone Tonic at Dallas, Tex., alleging that the article had been shipped in interstate commerce, on or about February 7, 1934, by John L. O'Bannon, from Marion, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Cly-Tone Tonic * * * Manufactured by Clyde Collins Chemical Company, Incorporated, Memphis, Tenn."

Analysis of a sample of the article by this Department showed that it consisted essentially of Epsom salt, extracts of plant drugs, a small proportion of salicylic acid, an iron compound, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label and carton, regarding its curative and therapeutic effects were false and fraudulent: "Cly-Tone Tonic made for your health * * * Cly-Tone is highly indicated in the treatment of chronic constipation, indigestion, blood, stomach, kidney and functional disorders of the liver. Directions:—One or Two Tablespoonsful in one-half glass of water before meals until bowels act freely, then regulate dose according to actions. Children One-quarter to one-half teaspoonful [bottle] twice a day [carton] Twice daily."

On May 28, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22616. Misbranding of extract of witch hazel and petroleum jelly. U. S. v. 56 Bottles of Extract of Witch Hazel and 35 Jars of Petroleum Jelly. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32325, 32326. Sample nos. 67091-A, 67092-A.)

These cases involved interstate shipments of extract of witch hazel and petroleum jelly, the labels of which bore unwarranted curative and therapeutic claims.

On March 17, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 56 bottles of witch hazel and 35 jars of petroleum jelly at Scranton, Pa., alleging that the articles had been shipped in interstate commerce, in various shipments on or about January 1, January 10, and February 13, 1934, by the Lander Co., from Binghamton, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the extract of witch hazel consisted essentially of volatile witch hazel constituents, alcohol, and water, and that the petroleum jelly consisted of petroleum.

It was alleged in the libels that the articles were misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the articles, were false and fraudulent: (Witch hazel) "An effective local remedy indicated in all cases of rheumatism * * * Piles, Hemorrhages, etc."; (petroleum jelly) "A reliable family remedy for * * * skin diseases * * * sprains, wounds, hemorrhoids * * * Etc."

On April 13, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22617. Misbranding of Iodogrin. U. S. v. 17 Bottles of Iodogrin. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32335. Sample no. 65401-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Analysis showed that it contained less alcohol than declared.

On March 21, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 bottles of Iodogrin at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about February 23, 1934, by the Bundt Laboratories, Inc., from Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of ammonium iodide, extracts of plant drugs including alkaloid-bearing drugs, alcohol (3.8 percent by volume), sugar, and water.

It was alleged in the libel that the article was misbranded in that the statement on the label, "Alcohol 15%", was false and misleading. Misbranding was alleged for the further reason that the package failed to bear on its label a statement of the quantity or proportion of alcohol contained in the article, since the statement made was incorrect. Misbranding was alleged for the further reason that the following statements on the bottle label, regarding the curative or therapeutic effects of the article, were false and fraudulent: "A palliative for asthma, hay fever, bronchitis, bronchial coughs, and respiratory disorders * * * Directions Commence with one half to one teaspoonful in a little water every three to four hours until relief is obtained thereafter a teaspoonful twice daily, children according to age."

On May 15, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22618. Misbranding of aspirin tablets and Kamforina Salve. U. S. v. 34 Bottles of Aspirin Tablets and 26 Packages of Sweet's Kamforina Salve. (F. & D. nos. 32413, 32414. Sample nos. 43097-A, 43098-A.)

This case involved a quantity of aspirin tablets and Kamforina Salve, the labels of which contained unwarranted curative and therapeutic claims.

On March 23, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 bottles of aspirin tablets and 26 packages of Sweet's Kamforina Salve at New York, N. Y., alleging that the articles had been shipped in interstate commerce, in part on or about January 23, 1934, and in part on or about February 9, 1934, by the Sweet Manufacturing Co., Inc., from Pittsburgh, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the aspirin tablets contained 4.77 grains of acetylsalicylic acid each and that the Kamforina Salve consisted essentially of camphor and capsicum oleoresin incorporated in petrolatum.

It was alleged in the libel that the articles were misbranded in that the following statements regarding their curative or therapeutic effects, appearing in the labelings, were false and fraudulent: (Aspirin tablets, carton) "For * * * Rheumatism, * * * Grippe and Pain in General"; (Kamforina Salve, carton) "For Muscular Rheumatism, * * * Sore Throat, Stiffness, * * * Etc. * * * Lumbago, Bronchitis [and similar statements in a foreign language]"; (box) "For Muscular Rheumatism, * * * Sore Throat, Stiffness."

On May 8, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22619. Adulteration and misbranding of Goth-Ora Antiseptic. U. S. v. 70 Bottles of Goth-Ora Antiseptic. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32468. Sample no. 67094-A.)

Examination of Goth-Ora Antiseptic showed that it was not antiseptic and that it contained less alcohol than declared on the label.

On April 2, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 bottles of Goth-Ora Antiseptic at Hoboken, N. J., alleging that the article had been shipped in interstate commerce, on or about February 21, 1934, by the General Merchandise & Sales Co., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Goth-Ora Antiseptic * * * Gotham Pharmacal Co., New York City."

Analysis of a sample of the article by this Department showed that it consisted essentially of water, alcohol (17.5 percent by volume), and essential oils. Bacteriological examination showed that when used full strength it would not destroy *Staphylococcus aureus* in 5 minutes.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Antiseptic."

Misbranding was alleged for the reason that the statements on the bottle label, "Antiseptic Goth-Ora Antiseptic is an efficient * * * Mouth Wash * * * Alcohol 25%", were false and misleading. Misbranding was alleged for the further reason that the package failed to bear on its label a statement of the quantity or proportion of alcohol contained in the article, since the declaration was incorrect.

On May 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22620. Misbranding of Dunlop Pyorrhea Paste. U. S. v. 14 Tubes of Dunlop Pyorrhea Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32475. Sample no. 64237-A.)

Examination of the drug preparation involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 2, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 tubes of Dunlop Pyorrhea Paste at Chicago, Ill., alleging that the article had been shipped by the Emme Dental Specialty Co., from St. Paul, Minn., on or about September 8, 1933, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "The Dunlop Pyorrhea Machine Manufacturing Company * * * St. Paul, Minnesota."

Analysis of a sample of the article by this Department showed that it consisted essentially of boric acid, glycerin, oil of peppermint, water, and alcohol.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Carton and tube) "Pyorrhea Paste * * * for the treatment of pyorrhea and mouth diseases"; (carton) "Pyorrhea Machine Manufacturing Company * * * Patients' Directions: Dunlop Pyorrhea Paste is not a mere dentifrice. In pyorrhea cases or trench mouth if the gums are too sore to brush paste may be applied with the finger, rubbing lightly. Rub with up and down motion, working paste under the gum margin as well as massaging the gums * * * Dentists' directions: Inject paste into pyorrhea pockets * * * Pyorrhea * * * for pyorrhea and mouth diseases."

On May 15, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22621. Misbranding of Hayward's Preparation. U. S. v. 20 Bottles of Hayward's Preparation. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32493. Sample no. 51669-A.)

Examination of the drug preparation involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 2, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 bottles of Hayward's Preparation at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce, on or about January 24, 1934, by the Hayward Remedy Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of an iodide, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the labeling contained false and fraudulent claims relative to its effectiveness in the treatment of asthma, hay fever, and bronchial catarrh.

On April 26, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22622. Misbranding of Tru-Aspingum Tablets and Tru-Koff-Ade Tablets. U. S. v. 22 Cartons of Tru-Aspingum and 22 Cartons of Tru-Koff-Ade. Default decree of condemnation and destruction. (F. & D. nos. 32507, 32508. Samples nos. 61596-A, 61597-A.)

Examination of the drug products involved in this case showed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 14, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cartons of Tru-Aspingum and 22 cartons of Tru-Koff-Ade at Havre, Mont., alleging that the articles had been shipped in interstate commerce, on or about November 30, 1928, by the Tru-Lax Manufacturing Co., from Newark, N. J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Tru-Aspingum consisted essentially of acetylsalicylic acid and salicylic acid incorporated in a mixture of sugar, starch, and gum; and that the Tru-Koff-Ade consisted essentially of peppermint oil, a pungent substance such as red pepper, and a trace of an alkaloid, incorporated in a mixture of sugar, starch, and gum.

It was alleged in the libel that the articles were misbranded in that the following statements appearing in the labelings, regarding the curative or therapeutic effects of the articles, were false and fraudulent: (Tru-Aspingum, package) "For relief * * * pains of nervous origin * * * Especially recommended for sore throats * * * For * * * acute rheumatism * * * and other pains of nervous origin also for the relief of gout, sciatica, tonsilitis, influenza"; (circular) "Chew Tru-Aspingum * * * pains of nervous origin. * * * its antiseptic ingredients mix with the saliva and are carried over sore spots in the mouth and throat"; (box containing 12 packages) "Does not affect the heart"; (display card) "Does not affect the heart For * * * acute rheumatism * * * pains of nervous origin, also for the relief of gout, sciatica, tonsilitis, influenza"; (Tru-Koff-Ade, package) "For Coughs * * * For Hoarseness, etc., * * * For * * * Hoarseness, Bronchitis, Asthma, Coughs"; (circular) "Tru-Koff-Ade (chewed like gum) will quickly loosen phlegm and relieve hoarseness, sore throat, bronchitis, * * * nasal catarrh and other irritations of the throat and mouth"; (box containing 12 packages) "For Coughs * * * For Coughs * * * etc."; (display card) "For Coughs * * * for coughs * * * etc."

On May 23, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22623. Adulteration and misbranding of camphorated oil. U. S. v. 96 Bottles of Camphorated Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32510. Sample no. 66318-A.)

This case involved a shipment of camphorated oil which contained less camphor than required by the United States Pharmacopoeia. The label bore unwarranted curative and therapeutic claims.

On April 6, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 bottles of camphorated oil at Passaic, N. J., alleging that the article had been shipped in interstate commerce, on or about November 23, 1933, by Safe Owl Products, Inc., from Brooklyn, N. Y. and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Camphorated Oil"; (bottle) "The Prudential National Corp., Brooklyn, N. Y."; (carton) "National Spice Co., Inc., New York."

Analysis of a sample of the article by this Department showed that it contained not more than 15.8 percent of camphor. The United States Pharmacopoeia requires that camphorated oil contain not less than 19 percent of camphor.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed in strength, quality, and purity from the standard prescribed by that authority, and its own standard of strength, quality, and purity was not stated on the container.

Misbranding was alleged for the reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Bottle) "For External Use For * * * Rheumatism and Swelling of Breast and Joints."

On May 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22624. Misbranding of Miller's Rosy. U. S. v. 66 Bottles of Miller's Rosy. Default decree of destruction. (F. & D. no. 32527. Sample no. 61920-A.)

Examination of the drug preparation involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article.

On April 12, 1934, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 bottles of Miller's Rosy at Jackson, Miss., alleging that the article had been shipped in interstate commerce, on or about October 2, 1933, by John Miller, from Mobile, Ala., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of salicylic acid, olive oil, a volatile oil such as juniper oil, alcohol (39.8 percent by volume), and water.

It was alleged in the libel that the article was misbranded in that its package failed to bear on the label a statement of the quantity or proportion of alcohol contained therein, since no declaration appeared on the carton, and the declaration on the bottle label, "Contains 35 Alcohol", was incorrect and inconspicuous.

Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Carton) "For * * * Eczema * * * Ingrowing Nails, * * * Ulcers, Pimples, * * * For * * * Eczema"; (circular) "Remedy for * * * eczema * * * Preparations strong enough to knock out the disease caused too much soreness and those that did not cause soreness lacked the strength to cure. In 1904, Mr. Miller, tired of waiting for some one to supply a remedy that would have the desired effect, began experimenting in hope of making one of his own. Knowing it would be difficult to succeed where so many others had failed, he began with intention to carry on as long as might be necessary. It was well he did so, as the endeavor grew into a series of almost countless trials, and while reward

came in the end, its cost in time alone was sixteen years! Since the discovery of his preparation, Mr. Miller has used it in treating * * * and the several forms of Eczema * * * barber's itch * * * ingrowing nails * * * ulcers, itching piles, pimples * * * etc. Although not meant to be a cure-all, or to relieve other than diseases of the skin, Mr. Miller's remedy is excellent for piles, for inflammation of the glands * * * As a remedy for toothache it has no equal. It lessens the discomfort of pyorrhea. * * * used for nearly everything external. Directions For * * * Eczema * * * eruptions, pimples, boils * * * inflammation of glands, paint affected part night and morning. * * * For * * * ulcers, piles, paint twice daily. * * * For toothache, put cotton saturated with remedy in cavity, then paint gum every five minutes. For ingrowing nails * * * paint every five minutes for one hour, night and morning."

On May 11, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22625. Misbranding of Epsom salt. U. S. v. 427 Bags of Epsom Salt. Default decree of condemnation and forfeiture. Product ordered sold or destroyed. (F. & D. no. 32536. Sample no. 67908-A.)

This case involved a shipment of Epsom salt, the labeling of which contained unwarranted curative and therapeutic claims.

On April 19, 1934, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 427 bags of Epsom salt at Syracuse, N. Y., alleging that the article had been shipped in interstate commerce, on or about October 25, 1933, by the Texaco Salt Products Co., from Tulsa, Okla., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Epsom Salt U. S. P. * * * National Pharmacy Co., New York, N. Y."

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects, appearing on the label, were false and fraudulent: "Beneficial in Rheumatic Conditions. Aids in the Reducing of Adipose Tissue. Relieves * * * Aching Feet, * * * For Rheumatic conditions * * * For Reducing * * * For—Aching feet."

On May 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and the court ordered that the United States marshal sell the product, on condition that the containers bearing the curative or therapeutic claims be destroyed, and that upon failure to make a sale, it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22626. Misbranding of Ollendorff's Solution. U. S. v. Four 1-Gallon Jugs of Ollendorff's Solution. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32539. Sample no. 63936-A.)

Examination of the product involved in this case showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Analysis showed that the article was not of the composition claimed on the label.

On April 18, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four 1-gallon jugs of Ollendorff's Solution at Sandwich, Ill., alleging that the article had been shipped in interstate commerce on or about October 18, 1933, by the Ollendorff Co. (P. P. Cuplin), from West Bend, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of mercuric chloride (0.64 percent) and water (99.36 percent).

It was alleged in the libel that the article was misbranded in that the following statement on the jug label, "Contents * * * Mercuric Benzoate, Mercuric Oxycyanide, Mercuric Chloride, Mercuriol, Lunosol, Santonin, Methanol, Glycerin. Total percent of all drugs, 2,659709. Water 97.340291 per-

cent", was false and misleading in view of the actual composition of the article. Misbranding was alleged for the further reason that the following statements on the jug label, regarding the curative or therapeutic effects of the article, were false and fraudulent: "The New Remedy for the treatment of the Germ, Worm and Parasite Disease of Hogs Including flu, necrotic enteritis (the runt making disease) white and black scourer, stomach worms, thorn headed worms, whip worms, pin worms, common round worms. * * * Four or five days' treatment is usually sufficient except for necrotic enteritis (necro) which take longer as the linings of the bowels are covered with a mealy yellowish white coat of scabs and dead tissues which take time to remove. Sucking pigs with bowel troubles are treated by giving the medicine through the sow. In Treating Flu—If a hog is too sick to drink he should be drenched twice a day. * * * Usually manure and hog droppings are full of worm eggs and hogs are picking them up every day, so if you want to keep them eating good and gaining fast give one feed a week, preferably Sunday mornings. This keeps the worms down and hogs will be ready for market three to four weeks earlier and on much less feed. * * * Special Flu Label * * * The New Remedy for the Flu in Hogs * * * It is guaranteed to get your hogs practically over the flu in three to five days, * * * after they are practically over it which usually takes 4 or 5 days, give the medicine every other day for a few days. Then if you want to keep them eating good and gaining fast, give one feed once a week, preferably Sunday mornings. If a hog is too sick to drink he should be drenched twice a day. * * * Highly recommended for worms."

On May 15, 1934, no claimant having appeared for the property, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22627. Misbranding of Acco Aspirin Tablets. U. S. v. 49 Cards of Acco Aspirin Tablets. Default decree of destruction. (F. & D. no. 32579. Sample no. 49148-A.)

This case involved a shipment of aspirin tablets, the labels of which bore unwarranted curative and therapeutic claims.

On April 21, 1934, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cards of Acco Aspirin Tablets at Savannah, Ga., alleging that the article had been shipped in interstate commerce, on or about March 2, 1934, by Feldman-Martin, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Acco Aspirin * * * Albany Chemical Co. Albany, N. Y."

Analysis of a sample of the article by this Department showed that it consisted of tablets containing approximately 5 grains of acetylsalicylic acid each.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Carton, translation from Spanish) "Quick alleviation of Influenza * * * Rheumatism and Menstrual Pains"; (circular, translation from Spanish) "We recommend the use of the 'Acco' Aspirin Pastilles for * * * Toothache, Lumbago, * * * Sciatica, natural pains in women and other similar disorders. * * * Dose * * * Rheumatism, Lumbago: 1 or 2 pastilles 3 times a day. Sciatica * * * 2 pastilles 3 times a day. Toothache and Earache: 2 pastilles, and if alleviation is not obtained in one hour, take a second dose"; (circular headed "Acco Genuine Aspirin") "It is highly recommended for the relief of * * * Painful Periods, Rheumatic Conditions * * * and similar ailments. * * * Painful Periods, etc. Two tablets one hour after meals, repeated in an hour if not completely relieved. Toothache, Earache: Same dosage as for Headache. Rheumatism, Lumbago: One or two tablets 3 times daily, one hour after each meal. Sciatica * * * Two tablets 3 times daily, one hour after each meal"; (circular headed "Acco The Safe Aspirin") "We recommend the use of 'Acco' Aspirin tablets for * * * Lumbago * * * Toothache, Earache, Sciatica and similar ailments. * * * Rheumatism, Lumbago: One or two tablets 3 times daily

one hour after each meal. Sciatica * * * Two tablets 3 times daily one hour after each meal. Toothache, Earache: Two tablets one hour after meals, repeated in an hour if not completely relieved."

On May 25, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22628. Adulteration and misbranding of Erdeky's Reparat, and misbranding of Erdeky's Blood Tea, Lung Tea, Lung Balsam, Blood Purifier, Blood Tonic, Nerve Medicine, Stomach Regulator, Mother Drops, Mustard Ointment, Cough Balsam, Women's Friend, Herb Tea, and Cough Tea. U. S. v. Kalerd Laboratories Co., Inc., and Kalman Erdeky. Pleas of guilty. Kalerd Laboratories Co., Inc., fined \$1. Kalman Erdeky placed on probation for 1 year and taxed costs. (F. & D. no. 28164. I. S. nos. 24583 to 24586, incl., 26201 to 26204, incl., 26208 to 26213, incl.)

This case was based on interstate shipments of various drug preparations, which, with one exception (Mother Drops), were labeled with false and fraudulent curative and therapeutic claims. The Lung Balsam, Blood Purifier, and Cough Balsam contained less alcohol than declared on the labels; the Mother Drops contained more alcohol than declared, and the Reparat contained less chloroform than declared.

On January 30, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kalerd Laboratories Co., Inc., and Kalman Erdeky, president of said company, of Pittsburgh, Pa., alleging shipment by said defendants, in violation of the Food and Drugs Act as amended, between the dates of March 17 and April 15, 1931, from the State of Pennsylvania into the State of Indiana of a quantity of Erdeky's Reparat which was adulterated and misbranded; and of quantities of Erdeky's Blood Tea, Lung Tea, Lung Balsam, Blood Purifier, Blood Tonic, Nerve Medicine, Stomach Regulator, Mother Drops, Mustard Ointment, Cough Balsam, Women's Friend, Herb Tea, and Cough Tea which were misbranded. The articles were labeled in part: "Erdeky's Original Carpathian Style Lung Tea, etc. Prepared by Kalerd Laboratories Pittsburg Pa."

Analyses of samples of the articles by this Department showed that the Blood Tea consisted essentially of plant material including senna leaves, juniper berries, gentian root, calamus root, and fennel seed; cinchona was not present. Lung Tea consisted essentially of plant material including horehound, marsh-mallow root, Iceland moss, licorice, elder flowers and linden flowers; Lung Balsam consisted essentially of plant material including tannin and wild cherry, a phenolic body, alcohol (by volume 2.7 percent), chloroform, sugar, and water; Blood Purifier consisted essentially of extracts of plant drugs including a laxative drug, potassium iodide, glycerin, alcohol (by volume 6.1 percent), and water; Blood Tonic consisted essentially of extracts of plant drugs including a laxative drug, potassium iodide, glycerin, alcohol (by volume 6.3 percent), and water; Nerve Medicine consisted essentially of compounds of calcium, sodium, potassium, ammonium, iron, manganese, strychnine and quinine, bromides, hypophosphites, sugar, and water; Stomach Regulator consisted essentially of pepsin, hydrochloric acid, compounds of strychnine and brucine, extracts of plant drugs including a laxative drug, sugars, alcohol (by volume 19.7 percent), and water, flavored with aromatics; Reparat consisted essentially of petroleum oil, such as kerosene, containing chloroform (53.1 minims per fluid ounce), volatile oils including camphor, oil of mustard, and methyl salicylate; Mother Drops consisted essentially of alcohol (by volume 64.6 percent), plant material including aloe and resins, and water; Mustard Ointment consisted essentially of an ointment with a petrolatum base, containing volatile oils including oil of mustard and oil of lemon; Cough Balsam consisted essentially of plant material including tannin and wild cherry, a phenolic body, chloroform, alcohol (by volume 2.6 percent), sugar, and water, flavored with aromatics including oil of sassafras; Women's Friend contained ferrous carbonate, sodium sulphate, and arsenic trioxide (one-fiftieth grain per tablet), coated with sugar and iron oxide; Herb Tea consisted essentially of plant material including senna leaves, juniper berries, cinchona bark, fennel seed, gentian root, and calamus root; Cough Tea consisted essentially of plant material including horehound, althea root, Iceland moss, licorice root, elder flowers, and linden flowers.

It was alleged in the information that the articles were misbranded, with the exception of the Mother Drops, in that certain statements, designs, and devices, regarding their curative and therapeutic effects, appearing in the labeling, falsely and fraudulently represented that they were effective (Blood Tea) as a blood tea; effective to purify the blood; effective to regulate liver, kidney, and stomach; effective as a medicine in biliousness, rheumatism, nervous and sick headache, and diseases of the blood, stomach, liver, and kidneys; effective against all those ills due to unorderly functions of the blood, liver, kidneys, and stomach, such as loss of appetite, chlorosis, chills, dizziness, liver, kidney, and bladder troubles; effective as a treatment, remedy, and cure for all diseases of the blood; (Lung Tea) as a lung tea; effective as a treatment for coughs, croup, bronchitis, hoarseness, influenza, and other ailments of the lungs and breast; effective as a treatment, remedy, and cure for spitting of blood, whooping cough, asthma, consumption, pneumonia, and peritonitis; (Lung Balsam) as a lung balsam; effective as a treatment, remedy, and cure for coughs, hoarseness, pneumonia, whooping cough, croup, lung fever, and all diseases of the lungs and throat; effective as a valuable expectorant and sedative for simple ailments of the chest and lungs; effective as a treatment, remedy, and cure for bronchitis, spitting of blood, asthma, tuberculosis, and peritonitis; (Blood Purifier) as a blood purifier; effective to cleanse the life fluid thoroughly and strengthen the whole system; effective as a treatment, remedy, and cure for affections such as eczema, salt rheum, enlarged glands, boils, running sores, venereal diseases, and other troubles arising from impure blood; effective to eradicate pimples, boils, and swellings, and wounds which are produced on account of the uncleanness of the blood; effective as a treatment, remedy, and cure for cases of syphilis and scrofula; (Blood Tonic) as a blood tonic; (Nerve Medicine) as a nerve medicine; (Stomach Regulator) as a stomach regulator; effective as a treatment, remedy, and cure for dyspepsia, indigestion, dizziness and fainting spells, colic attacks, and torpid liver; effective as a preparation of unparalleled benefit in the treatment of cases of loss of appetite, indigestion, and all ailments of the stomach and liver; (Reparator) as a reparator and treatment of rheumatic pains, nervous headaches, neuralgic pains, muscular cramps, stiff neck, and pains in the side, chest, and back; (Mustard Ointment) as a treatment, remedy, and cure for sore throat, stiff neck, tonsillitis, neuralgia, rheumatism, congestion, sore muscles, bronchitis, croup, headache, and lumbago; (Cough Balsam) as a cough balsam; effective as a treatment, remedy, and cure for coughs and simple ailments of the chest and lungs; (Women's Friend) to promote the healthy activity of the organs; effective to strengthen weak women in pregnancy, threatened abortion, childbirth, and change of life; effective as a treatment, remedy, and cure for profuse and painful menstruation; (Herb Tea) as a blood purifier; effective as a liver, kidney, and stomach regulator; effective in the treatment of those troubles which occur on account of the unorderly functions of the blood, liver, kidneys, and stomach, such as loss of appetite, chlorosis, chills, dizziness, liver, kidney and bladder troubles, stomach and intestinal cramps, and also cramps of the uterus; effective as a treatment, remedy, and cure for anemia, nervousness, skin troubles, scrofula, goiter, glandular swellings, and all diseases of the blood; (Cough Tea) as a treatment, remedy, and cure for coughs, hoarseness, croup, bronchitis, spitting of blood, whooping cough, asthma, tuberculosis, pneumonia, and peritonitis.

Adulteration of the Erdeky's Repurator was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold in that each fluid ounce of the article was represented to contain 75 minims of chloroform, whereas each fluid ounce of the article contained less than 75 minims of chloroform, namely, not more than 53.1 minims of chloroform per fluid ounce.

Misbranding of the Repurator was alleged for the reason that the statement "Chloroform 75 min. in 1 Fl. Oz." was false and misleading since each fluid ounce of the article did not contain 75 minims of chloroform but did contain a less amount; and for the further reason that the article contained chloroform and the label on the bottle failed to bear a statement of the quantity or proportion of chloroform contained in the article. Misbranding of certain of the products was further alleged for the following reasons: The statement "Alcohol 8 per cent", on the label of the Lung Balsam, was false and misleading since it contained not more than 2.7 percent of alcohol; the statement "Alcohol 16 per cent" on the label of the Blood Purifier was false and misleading since it con-

tained not more than 6.4 percent of alcohol; the statements, "Contains alcohol 50%" and "Contains 50% Alcohol" on the labels of the Mother Drops, were false and misleading since it contained more than 50 percent of alcohol, namely, not less than 61.4 percent of alcohol; the statement "Alcohol 8 percent", on the label of the Cough Balsam, was false and misleading since it contained not more than 2.6 percent of alcohol; and for the further reason that the articles contained alcohol and the label on the packages failed to bear a statement of the quantity or proportion of alcohol contained therein since no declaration of alcohol appeared on the label of the Blood Tonic and the declarations on the labels of the Lung Balsam, Blood Purifier, Mother Drops, and Cough Balsam were incorrect.

On May 18, 1934, pleas of guilty were entered and the court imposed a fine of \$1 against the Kalerd Laboratories Co., Inc. Kalman Erdeky was placed on probation for 1 year and assessed costs of the proceedings to be paid within 1 year.

M. L. WILSON, *Acting Secretary of Agriculture.*

22629. Adulteration and misbranding of Arsenacea Compound and Novadyne (Amidopyrine Barbitonate). U. S. v. Charles Clinton Yarbrough. Plea of guilty. Sentence, \$6 fine and 1 day's imprisonment. Probationed on entire sentence. (F. & D. no. 29416. I. S. nos. 52858, 52859, 52864.)

This case was based on interstate shipments of two lots of Arsenacea Compound ampoules which contained arsenous compounds in excess of the amounts declared on the labels; and one lot of Novadyne Tablets which contained a smaller amount of Novadyne than declared. The latter product was described as a new crystalline compound, whereas it was a mixture of two common drugs.

On June 13, 1933, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles Clinton Yarbrough, Memphis, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, from the State of Tennessee into the State of Ohio, on or about December 7, 1931, of quantities of Arsenacea Compound ampoules, and on or about January 30, 1932, of a quantity of Novadyne Tablets which were adulterated and misbranded. The articles were labeled in part: "Ampules No. 1 16 min. (1 mil. or 1 c. c.) Arsenacea Compound"; "Ampules Venofluid, No. 100 5 Mils (or C. C.) Arsenacea Compound"; "Tablets Novadyne (Amidopyrine Barbitonate) A new Crystalline Compound * * * Charles C. Yarbrough Pharmacautic Specialist."

Analyses of samples of the articles by this Department showed that the 1-milliliter ampoules Arsenacea Compound contained 0.700 grain (0.0453 g) of elemental arsenic; that the 5-ml ampoules Arsenacea Compound contained 1.47 grains, or 0.095 g of elemental arsenic; that the Novadyne was not a new crystalline compound, but was a mixture of amidopyrine and barbital, the combined quantities of amidopyrine and barbital being less than 4 grains, namely, 3.06 grains (0.1988 g) per average tablet.

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in the following respects: the 1-ml ampoules were represented to contain $1\frac{1}{4}$ grains of sodium cacodylate and one-fiftieth of a grain of sodium orthoarsenite, whereas each ampoule contained more than $1\frac{1}{4}$ grains of sodium cacodylate, and more than one-fiftieth of a grain of sodium orthoarsenite; the 5-ml ampoules were represented to contain $3\frac{1}{2}$ grains of sodium dimethylarsenate and one twenty-fifth of a grain of sodium orthoarsenite, whereas each ampoule contained more than $3\frac{1}{2}$ grains of sodium dimethylarsenate and more than one twenty-fifth of a grain of sodium orthoarsenite; each tablet of the Novadyne was represented to contain 4 grains of Novadyne (Amidopyrine Barbitonate), and the product was represented to be a new crystalline compound, whereas each tablet contained less than 4 grains of Novadyne (Amidopyrine Barbitonate) namely, not more than 3.06 grains of Novadyne, and the article was not a new crystalline compound but was a mixture of amidopyrine and barbital.

Misbranding was alleged for the reason that the statements on the labels of the Arsenacea Compound (1-ml ampoule, package) "Each Ampule Con-

tains: Sodium Cacodylate 1 $\frac{3}{4}$ Grains (0.113 gm.) Sodium Orthoarsenite 1/50 Grain (0.0012 gm.)", (carton) "Sodium Cacodylate 1 $\frac{3}{4}$ Grains (0.113 gm.) Sodium Orthoarsenite 1/50 Grain (0.0012 gm.)", (5-ml ampoule, package) "Each Ampoule Contains: Sodium Dimethylarsenate 0.230 GM. (3 1-2 Gr.) Sodium Orthoarsenite 0.0025 GM. (1-25 gr.)", (Novadyne, bottle) "4-Grain Tablets Novadyne (Amidopyrine Barbitonate) * * * A New Crystalline Compound", were false and misleading.

On June 27, 1934, the defendant entered a plea of guilty to the information, and the court imposed a sentence of \$1 on each of the six counts, 1 day in the county jail on each of the six counts, to run concurrently, and probationed as to the entire sentence for a period of 1 day.

M. L. WILSON, *Acting Secretary of Agriculture.*

22630. Adulteration and misbranding of Billy B. Van's Pine Tree Ointment. U. S. v. Pine Tree Products Co. Plea of guilty. Fine, \$25. (F. & D. no. 30243. Sample no. 9191-A.)

Examination of the drug preparation involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The labeling also represented that the article was antiseptic and germicidal, whereas it was not.

On September 26, 1933, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pine Tree Products Co., a corporation, Newport, N. H., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 13, 1932, from the State of New Hampshire into the State of Massachusetts, of a quantity of Billy B. Van's Pine Tree Ointment which was adulterated and misbranded. The article was labeled in part: (Jar) "Billy B. Van's Pine Tree Ointment Pine Tree Products Co. Newport, New Hampshire."

Analysis of a sample of the article by this Department showed that it consisted of a pale green ointment containing chiefly petrolatum and volatile oils, apparently, pine oil, menthol, and camphor. Bacteriological examination showed that it was not antiseptic or germicidal.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be antiseptic and germicidal, whereas it was not antiseptic or germicidal.

Misbranding was alleged for the reason that the statements in the labeling, (carton) "It is antiseptic, germicidal", (circular) "The Pine Needle Oil used in Pine Tree Products is secured by the distillation of pine needles which are carefully selected and clipped from the branches of the famous Balsam Pines without injury to the Trees. It is then highly refined. Pine Needle Oil contains natural antiseptic qualities which make it a most desirable and efficient remedy. Pine Needle Oil has a most pleasant odor, and will not injure the most delicate tissues of the body, and is recognized as one of the most effective disinfectants, germicides and antiseptics, against many groups of pathogens", were false and misleading, since they represented that the article was an antiseptic and germicide, whereas it was not an antiseptic, and was not a germicide. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, borne on the carton and in the circular, falsely and fraudulently represented that it was effective as a treatment and remedy of all cases of local inflammation, such as catarrh, sore throat, or congestion; effective to reduce inflammation; effective as an alleviative for congestion, sore throat, and catarrh; and effective as a treatment and remedy for eczema, pimples, eruptions, piles, itch, asthma, bronchitis, croup, pneumonia, whooping cough, boils, and hay fever.

On June 13, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22631. Adulteration of tincture cinchona compound, spirit nitrous ether, and syrup hypophosphites compound. U. S. v. The Blue Line Chemical Co. Plea of guilty. Fine, \$900. (F. & D. no. 31323. Sample nos. 15646-A, 15660-A, 15661-A.)

This case was based on shipments of the following drugs: Tincture cinchona compound that failed to conform to the requirements of the United States Pharmacopoeia and contained a smaller proportion of the alkaloids of cinchona than declared; spirit nitrous ether that failed to conform to the requirements of the pharmacopoeia, since it contained ethyl nitrite in excess of the amount prescribed therein; and syrup hypophosphites compound that failed to conform to the requirements of the National Formulary and contained less quinine hypophosphite and less strychnine hypophosphite than declared on the label.

On February 27, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Blue Line Chemical Co., a corporation, St. Louis, Mo., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 6, 1932, from the State of Missouri into the State of Illinois, of quantities of tincture cinchona compound, spirit nitrous ether, and syrup hypophosphites compound which were adulterated. The articles were labeled in part: "Tincture Cinchona Compound U. S. P. * * * Standard:— Each 100 c. c. represents not less than 0.4 gms. and not more than 0.5 gms. of the alkaloids of cinchona * * * The Blue Line Chemical Co. Pharmaceutical Chemists, St. Louis"; "Spirit Nitrous Ether U. S. P."; "Syrup Hypophosphites Compound Blue Line Each fluidounce represents * * * Quinine Hypophosphite $\frac{1}{2}$ gr. Strychnine Hypophosphite 1/20 gr."

It was alleged in the information that the tincture cinchona compound and spirit nitrous ether were adulterated in that they were sold under names recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation in the following respects: The tincture cinchona compound yielded not more than 0.186 g of the alkaloids of cinchona per 100 cc, whereas the pharmacopoeia provides that compound tincture of cinchona shall yield not less than 0.4 g of the alkaloids of cinchona per 100 cc; the spirit nitrous ether contained not less than 5.35 percent of ethyl nitrite, whereas the pharmacopoeia provides that spirit of ethyl nitrite, to wit, spirit of nitrous ether, shall contain not more than 4.5 percent of ethyl nitrite; and the standard of strength and purity of the articles was not declared on the containers. Adulteration of the syrup hypophosphites compound was alleged for the reason that it was sold under a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said formulary official at the time of investigation in that it contained not more than 0.78 g of anhydrous quinine and strychnine per 1,000 cc, whereas the formulary provides that syrup of hypophosphites shall contain not less than 1.06 g of anhydrous quinine and strychnine per 1,000 cc; and the standard of strength, quality, and purity of the article was not declared on the container.

Adulteration was alleged for the further reason that the strength and purity of the articles fell below the professed standard and quality under which they were sold, since the tincture cinchona compound was represented to conform to the standard laid down in the pharmacopoeia and to contain in each 100 cc not less than 0.4 g of the alkaloids of cinchona, whereas it did not conform to the standard laid down in the pharmacopoeia and each 100 cc contained not more than 0.186 g of the alkaloids of cinchona; the spirit nitrous ether was represented to conform to the standard laid down in the United States Pharmacopoeia, whereas it did not; and the syrup hypophosphites compound was represented to contain in each fluid ounce one-half grain of quinine hypophosphite and one-twentieth of a grain of strychnine hypophosphite, whereas each fluid ounce of the article contained less than one-half grain of quinine hypophosphite and less than one-twentieth of a grain of strychnine hypophosphite.

On June 12, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$900.

M. L. WILSON, Acting Secretary of Agriculture.

22632. Adulteration and misbranding of tincture chloride of iron. U. S. v. The Henry B. Gilpin Co. Plea of guilty. Fine, \$15. (F. & D. no. 31444. Sample no. 26516-A.)

This case was based on an interstate shipment of tincture chloride of iron that fell below the requirements of the United States Pharmacopoeia.

On June 1, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Henry B. Gilpin Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 6, 1932, from the State of Maryland into the District of Columbia, of a quantity of tincture chloride of iron that was adulterated and misbranded. The article was labeled in part: "Tincture Chloride of Iron, U. S. P. * * * The Henry B. Gilpin Company Manufacturing Pharmacists Baltimore, Maryland."

It was alleged in the information that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, in that it contained not more than 4.14 percent of iron in solution, whereas the pharmacopoeia provides that tincture of ferric chloride shall contain not less than 4.48 percent of iron in solution; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to be tincture chloride of iron which conformed to the standard laid down in the pharmacopoeia, whereas it was not.

Misbranding was alleged for the reason that the statement, "Tincture Chloride of Iron U. S. P.," borne on the label, was false and misleading.

On June 1, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$15.

M. L. WILSON. *Acting Secretary of Agriculture.*

22633. Misbranding of Leonard's Mexica Barb Wire Liniment. U. S. v. 33 Bottles and 11 Bottles of Leonard's Mexica Barb Wire Liniment. Default decree of destruction. (F. & D. no. 31942. Sample nos. 52368-A, 52369-A.)

Examination of Leonard's Liniment showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On or about February 13, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 small bottles and 11 large bottles of Leonard's Mexica Barb Wire Liniment at Kansas City, Mo., alleging that the article had been shipped in interstate commerce, on or about October 14, 1933, by Mrs. Harry Leonard, from Hutchinson, Kans., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of kerosene, linseed oil, and tar oil.

It was alleged in the libel that the article was misbranded in that a circular shipped with the article contained false and fraudulent representations regarding its effectiveness in the treatment of colic, nail wounds, heaves, distemper, thrush, itch, eczema, poison from eating stalks, boils and carbuncles, felon, caked udder, blood poison, snake or dog bite, coughs in hogs, mange, tack wounds, nose bleed, weak eyes, scum over the eye, pink eye or influenza, swellings, coughs, croup, hemorrhage of the lungs, sore throat, sore lungs, whooping cough, diphtheria, bronchitis, tonsillitis, bunions, caked breast and sore nipples, bleeding gums, earache, lame back, rheumatism, piles, catarrh, asthma, pneumonia, as an agency to stop the flow of blood, as a relief for rheumatism and asthma, and as a preventative of hog cholera or chicken cholera and roup.

One June 27, 1934, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

M. L. WILSON. *Acting Secretary of Agriculture.*

22634. Misbranding of Pneumoseptin. U. S. v. 70 Jars of Pneumoseptin. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32279. Sample no. 61239-A.)

Examination of the drug preparation Pneumoseptin showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 9, 1934, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 jars of Pneumoseptin at Knoxville, Tenn., alleging that the article had been shipped in interstate commerce, on or about January 21, 1934, by the Gowan Chemical Co., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pneumoseptin * * * Virginia-Carolina Medical Co. * * * Roanoke, Virginia."

Analysis of a sample of the article by this Department showed that it consisted essentially of camphor, methyl salicylate, eucalyptol, and lard.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Jar) "Pneumoseptin, for Inflammation or Congestion"; (carton) "Pneumoseptin, successfully used to break congestion and reduce inflammation."

On June 4, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22635. Adulteration and misbranding of quinine capsules. U. S. v. 21 Bottles and 18 Bottles of Quinine Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32443. Sample nos. 68530-A, 68531-A.)

This case involved shipments of alleged quinine capsules which consisted of partially dehydrated quinine sulphate.

On March 28, 1934, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 bottles containing 100 capsules each and 18 bottles containing 500 capsules each, of quinine capsules, alleging that the article had been shipped in part on or about October 3, 1933, and in part on or about February 7, 1934, by the Cumberland Manufacturing Co., from Nashville, Tenn., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "5 Grain Quinine Capsules."

Analysis of a sample of the article by this Department showed that it was not quinine but was partially dehydrated quinine sulphate.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, or purity as determined by the test laid down in the said pharmacopoeia, and its own standard was not stated on the label. Misbranding was alleged for the reason that the statements on the label, "Five Grain Quinine Capsules" and "Guaranteed * * * under Pure Food and Drugs Act June 30, 1906 Number 8296", were false and misleading.

On June 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22636. Misbranding of Husband's Calcined Magnesia. U. S. v. 286 Bottles of Husband's Calcined Magnesia. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32537. Sample no. 64263-A.)

This case involved a shipment of Calcined Magnesia, the labeling of which bore unwarranted curative and therapeutic claims.

On or about April 17, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 286 bottles of Husband's Calcined Magnesia at Chicago, Ill., alleging that the article had

been shipped in interstate commerce, on or about March 3, 1934, by Husband's Magnesia Co., Inc., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of magnesium oxide.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects, appearing on a display card accompanying the article, were false and fraudulent: "For Indigestion * * * Dyspepsia, Rheumatism * * * Biliousness * * * Colic and Children's Complaints."

On June 6, 1934, Husband's Magnesia Co., Inc., Philadelphia, Pa., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was order by the court that the product be released to the claimant upon payment of costs and the execution of a bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22637. Misbranding of Germol. U. S. v. 8 Large and 36 Small Bottles of Germol. Default decree of destruction. (F. & D. no. 32541. Sample nos. 68690-A, 68691-A.)

Examination of the drug preparation Germol showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 14, 1934, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 large and 36 small bottles of Germol at Paducah, Ky., alleging that the article had been shipped in interstate commerce on or about March 1, 1934, by the Paris Chemical Co., from Huntingdon, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of a dilute solution of hydrochloric acid in water, colored red.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Bottle) "Germol * * * Recommended for indigestion, stomach, liver and kidney troubles. * * * It helps nature to digest, and restores lost appetite, * * * a relief for dyspepsia and heartburn. * * * used as a prophylactic, it counteracts and dissolves bilious deposits. Germol It helps nature digest and assimilate the food. It is an antiseptic that prevents putrefaction. It is recommended for dyspepsia, heartburn, sour or swollen stomach, and usually restores lost appetite. Germol is an excellent tonic for rundown constitutions. * * * but helps nature perform its functions, and regulates the stomach and bowels, and a tonic for the liver and kidneys. Directions for indigestion or stomach trouble take one teaspoonful in two-thirds glass of water three times a day just after each meal. Children less, according to age. * * * For acute attacks of sick or swollen stomach, sick headache, etc. If first dose does not relieve, repeat the dose in one hour [similar statements on the carton]."

On June 6, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22638. Misbranding of Georgia Crystal Compound. U. S. v. 120 Packages of Georgia Crystal Compound. Default decree of destruction. (F. & D. no. 32551. Sample no. 68692-A.)

This case involved a product labeled to convey the impression that it was obtained from the waters of Warm Springs, Ga., but which was found to consist essentially of sodium sulphate (Glauber's salt). The labeling also bore unwarranted curative and therapeutic claims.

On April 17, 1934, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel (amended May 25, 1934), against 120 packages of Georgia Crystal Compound at Paducah, Ky., alleging that the article had been shipped in interstate commerce, on or about March 23, 1934, by the Warm Springs Crystal Co., from Warm Springs, Ga., and charging misbranding in violation of the

Food and Drugs Act as amended. The article was labeled in part: "Georgia Crystal Compound Georgia Crystal Co., Warm Springs, Georgia."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Georgia Crystal Compound Georgia Crystal Co. Warm Springs, Georgia", was false and misleading, since it created a misleading impression regarding the origin of the article. Misbranding was alleged for the further reason that the following statements, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Beneficial for * * * Sour Stomach, Heartburn, hyperacidity of the stomach."

On June 6, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22639. Adulteration and misbranding of whisky. U. S. v. 189 Cases of Old Polk Straight Whisky, et al. Product adjudged adulterated and misbranded. Released under bond for relabeling. (F. & D. nos. 32712, 32713. Sample nos. 64827-A to 64840-A, incl.)

These cases involved a product represented to be medicinal whisky, but which differed from the requirements of the United States Pharmacopoeia. The alcohol declaration was made on the label as "Proof" and not in percentage of alcohol.

On May 17, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 474 cases of Old Polk Whisky, 623 cases of Old Hardesty whisky, 260 cases of White Mills whisky, 280 cases of Lyndale Whisky, and 125 cases of Kentucky Hill whisky at Kansas City, Mo. It was alleged in the libels that the article had been shipped in interstate commerce, between the dates of February 19 and March 23, 1934, by the Brown-Forman Distillery Co., from Louisville, Ky., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article in each instance was labeled, "For Medicinal Purposes Only."

Analyses of samples of the article by this Department showed that it did not conform to the specifications of the United States Pharmacopoeia. In each instance the article was found to contain caramel, specifically prohibited by the pharmacopoeia; it failed to meet the pharmacopoeial test indicating storage in wood barrels for a period of not less than 4 years; and the odor and taste were "raw", not characteristic of whisky conforming to the requirements of the pharmacopoeia. In several instances the acidity was less than the minimum permitted by the pharmacopoeia. It contained approximately 49 percent of alcohol by volume.

The libels charged that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, or purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard of strength was not stated upon the labels.

Misbranding was alleged for the reason that the packages failed to bear a statement on the labels of the quantity or proportion of alcohol contained in the article.

On May 29, 1934, the Brown-Forman Distillery Co., Louisville, Ky., claimant, having admitted the allegations of the libels and having consented to the entry of decrees condemning and forfeiting the property, judgments were entered finding the product adulterated and misbranded, and ordering that it be released to the claimant upon payment of costs and the execution of bonds totaling \$10,000, conditioned that it should not be disposed of until relabeled and filled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22640. Misbranding of witch hazel. U. S. v. 285 Bottles of Witch Hazel. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. no. 32716. Sample no. 67773-A.)

This case involved an interstate shipment of extract of witch hazel, the label of which bore unwarranted curative and therapeutic claims.

On May 17, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 285 bottles of witch hazel at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about March 20, 1934, by the Standard Drug Co., from Newark, N. J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Standard Witch Hazel."

It was alleged in the libel that the article was misbranded in that the following statements appearing on the label, were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: "For all external inflammation bathe freely * * * until relieved. For * * * ulcers, old sores, sore nipples, sore eyes, etc. dilute one half with pure water and use in same way."

On June 16, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable institution.

M. L. WILSON, *Acting Secretary of Agriculture.*

22641. Misbranding of cough syrup. U. S. v. 75 Bottles of Truth Brand White Pine Cough Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32800. Sample no. 69884-A.)

Examination of the cough syrup involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 6, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 bottles of cough syrup at Scranton, Pa., alleging that the article had been shipped in interstate commerce by the Blackstone Manufacturing Co., from Newark, N. J., into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Truth Brand * * * Blackstone Manufacturing Co., Newark, N. J."

Analysis of a sample of the article by this Department showed that it consisted essentially of chloroform, tar, sugar, and water with a small proportion of inorganic salts.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Carton) "Cough * * * For Coughs * * * Bronchitis and all throat and lung affections"; (bottle) "Cough * * * For Coughs * * * Bronchitis and all throat and lung affections. Dose * * * Teaspoonful every two hours until relieved."

On June 30, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22642. Misbranding of Echitone and Cysto Sedative. U. S. v. 34 Bottles of Echitone, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32410, 32411, 32469, 32470. Sample nos. 61236-A, 61237-A, 64248-A, 64250-A.)

Examination of the drug preparations involved in these cases showed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings.

On or about March 22, 1934, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 34 bottles of Echitone and 9 bottles of Cysto Sedative at Chattanooga, Tenn. On April 3, 1934, libels were filed in the Northern District of Illinois against 14 bottles of Echitone and 34 bottles of Cysto Sedative at Chicago, Ill. It was alleged in the libels that the articles had been shipped in interstate commerce, from Cleveland, Ohio into the States of Tennessee and Illinois, by Strong, Cobb & Co., in various shipments between the dates of September 19 and December 12, 1933, and that they were misbranded in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that they consisted essentially of extracts of plant drugs, alcohol, sugar, and water.

The libels charged that the articles were misbranded in that the following statements in the labelings, regarding their curative and therapeutic effects, were false and fraudulent: (Echitone, bottle) "Indicated in Chronic Consti-

tutional Eczema, old Ulcers, Boils, and those purulent conditions caused by a blood discrasia. Dose for Adults from one half to two teaspoonfuls four times daily, last dose at bed time. Commence with one half teaspoonful four times daily, increase the dose gradually to the maximum quantity * * * Children in proportion to age, temperament and severity of case"; (Cysto sedative, bottle) "In the treatment of genito urinary diseases chronic cystitis, painful micturition, etc. Dose for adults from fifteen drops to one teaspoonful every three or four hours."

On June 2 and June 4, 1934, no claim or answer having been filed in the cases instituted in the Northern District of Illinois, and the claim and answer of Strong, Cobb & Co., Inc., filed in the remaining cases having been withdrawn by leave of court, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22643. Misbranding of Georgia Crystal Compound. U. S. v. 320 Packages of Georgia Crystal Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32704. Sample no. 50645-A.)

This case involved a product labeled to convey the impression that it was obtained from evaporation of the waters of Warm Springs, Ga., but which was found to consist essentially of sodium sulphate (Glauber's salt). The label also bore unwarranted curative and therapeutic claims.

On May 11, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 320 packages of Georgia Crystal Compound at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce, on or about March 23, 1934, by the Warm Springs Health Products, Inc., from Warm Springs, Ga., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that the statements on the label, "Georgia Crystal Compound, Georgia Crystal Co., Warm Springs, Georgia", were false and misleading, since the product was not a crystal compound made from the waters of the springs at Warm Springs, Ga. Misbranding was alleged for the further reason that the following statements on the label, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Beneficial for * * * Sour Stomach, Heartburn, Hyperacidity of the Stomach."

On June 18, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22644. Misbranding of Devine's Old Reliable Australian Eucalyptus Inhaler Set. U. S. v. 54 Packages of Devine's Old Reliable Australian Eucalyptus Inhaler Set. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32619. Sample nos. 41315-A, 41322-A, 64412-A.)

Examination of the drug preparation involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On May 2, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 54 packages of Devine's Old Reliable Australian Eucalyptus Inhaler Set at Chicago, Ill., alleging that the article had been shipped in interstate commerce, by H. L. Green Co., from St. Paul, Minn. (returned shipment) on or about April 9, 1934, consigned to P. E. Devine, Chicago, Ill., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "P. E. Devine, Jeffersonville, Ind."

Analysis of a sample of the article by this Department showed that it consisted of a glass inhaler, a bottle of liquid labeled "Eucalyptus Inhaler Re-Charge", and a tube of ointment labeled "Naxaline." The liquid consisted of a volatile oil mainly or entirely eucalyptus oil; the ointment consisted essentially of volatile oils including eucalyptus oil (6.5 percent), incorporated in petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton, regarding the curative and therapeutic effects of the article, were false and fraudulent: "For * * * Catarrh, Asthma, Bronchitis, Neuritis, Sinus Trouble & Hay Fever."

On June 8, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22645. Misbranding of witch hazel. U. S. v. 129 Bottles of Witch Hazel. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32693. Sample no. 67968-A.)

This case involved a shipment of witch hazel, the labeling of which contained unwarranted curative and therapeutic claims. The alcohol present in the article was not properly declared, since the statement of alcohol was inconspicuous.

On May 15, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 129 bottles of witch hazel at Scranton, Pa., alleging that the article had been shipped in interstate commerce, on or about March 9, 1934, by Sheray, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Witch Hazel * * * Gotham Pharmacal Company, New York City."

It was alleged in the libel that the article was misbranded in that its package failed to bear on the label a declaration of the quantity or proportion of alcohol contained in the article, since the declaration was inconspicuous. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Label) "Indicated for the relief of Rheumatism, * * * Piles, Hemorrhoids, etc."

On June 30, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22646. Misbranding of Kuhn's Ep-Sum-Pill. U. S. v. 70 Packages of Kuhn's Ep-Sum-Pill. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32511. Sample no. 67906-A.)

This case involved a drug preparation labeled to convey the impression that its effects were derived from Epsom salt, whereas its Epsom salt content was insignificant, its principal therapeutic effects being derived from other laxative drugs. The labels also bore unwarranted curative and therapeutic claims.

On April 6, 1934, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 packages of Kuhn's Ep-Sum-Pill at Syracuse, N. Y., alleging that the article had been shipped in interstate commerce, on or about March 21, 1934, by the H. Dale Kuhn Laboratory, from Shelby, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it contained per pill: Aloin, phenolphthalein (approximately one-half grain), and Epsom salt (approximately 3 grains).

It was alleged in the libel that the article was misbranded in that the following statements on the packages were false and misleading, since they created the impression that the article depended for its effects primarily upon its content of Epsom Salt, whereas the Epsom salt contained in the article was in such proportion as to be essentially negligible while its principal physiologically active ingredients were aloin and phenolphthalein: (Metal container and circular) "Ep Sum Pill"; (metal container) "Epsom Salts Compound Pill"; (circular) "Formerly called Kuhn's Epsom Salts Compound Pill our Laboratory was the First to concentrate Epsom Salts and combine it with other ingredients." Misbranding was alleged for the further reason that the following statements and designs regarding the curative and therapeutic effects of the article were false and misleading: (Metal container and circular) "Keep Fit"; (circular) "Keeping the bowels free aids in controlling your weight * * *

Used for simple headaches, neuralgia"; (metal container) Designs of figures in bathing suits followed by statements, "Miss Perfect Form" and "Mr. Feel Bully." The charge recommended by this Department was that the statements and designs on the labels, regarding the curative and therapeutic effects of the article, were false and fraudulent.

On June 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22647. Misbranding of aspirin tablets. U. S. v. 126 Bottles of Tru Tablets of Aspirin. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32753. Sample no. 69879-A.)

This case involved a shipment of aspirin tablets, the labeling of which bore unwarranted curative and therapeutic claims.

On May 25, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 126 bottles of aspirin tablets at Scranton, Pa., alleging that the article had been shipped in interstate commerce by the Tru Lax Manufacturing Co., from Newark, N. J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Tru Tablets of Aspirin Tru Lax Manufacturing Co. Newark, N. J."

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effect, appearing on the display carton and individual bottle label, were false and fraudulent: "For * * * Acute Rheumatism * * * Pains of Nervous origin, also for the relief of Gout, Sciatica, Tonsillitis, Influenza."

On June 30, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22648. Misbranding of Epsaline Tablets. U. S. v. 208 Bottles of Epsaline Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32509. Sample no. 67907-A.)

This case involved a product labeled to convey the impression that its therapeutic action was derived chiefly from Epsom salt, but which derived its principal laxative effect from the laxative drugs, aloin and phenolphthalein.

On April 6, 1934, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 208 bottles of Epsaline Tablets at Syracuse, N. Y., alleging that the article had been shipped in interstate commerce, on or about February 20, 1934, by the Gold Seal Products Co., from Columbus, Ohio, and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it contained in each tablet: Aloin, phenolphthalein (2/5 grain), and Epsom salt (7 1/2 grains).

It was alleged in the libel that the article was misbranded in that the following statements on the carton and bottle label, were false and misleading in view of the actual composition of the article: "Epsaline Tablets Epsom Salt Tablets Compound", "Two tablets as effective as a tablespoonful of Epsom Salt"; "To be used in place of the ordinary disagreeable Epsom Salts"; (carton only) "The nasty bitter taste is eliminated."

On June 15, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22649. Adulteration and misbranding of Katropine Antiseptic Nasal Jelly. U. S. v. 141 Packages and 105 Packages of Katropine Antiseptic Nasal Jelly. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 32549, 32550. Sample nos. 67460-A, 67542-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The label also bore unwarranted claims for germicidal characteristics.

On April 17, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 246 packages of Katropine Antiseptic Nasal Jelly at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about January 31 and February 24, 1934, by the Phoenix Drug Co., from Newark, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of benzocaine (3 percent) and essential oils including menthol and camphor, incorporated in fat.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, (circular) "Exerting * * * powerful * * * germicidal characteristics."

Misbranding was alleged for the reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Carton) "Recommended for * * * Hay Fever Catarrh"; (tube) "Hay Fever Catarrh"; (circular) "An article of outstanding merit and effectiveness as an aid in the treatment of * * * Hay Fever and Sinus troubles. * * * It attacks the offending organisms and it promotes the healing of the inflamed membranes. The head colds of children are particularly insidious and if left untreated may extend to the most grievous results. Infection of the middle ear, swollen glands, with the necessary operation and permanently disfiguring scars may originate with the simple head cold. Sinus infections are caused almost exclusively by malignant infections of the surrounding membranes so as to prevent proper drainage. The head cold, then is the contributing cause of too many serious diseases to be taken lightly. Katropine offers as nearly perfect protection as has yet been devised. * * * A very small amount squeezed into each nostril and drawn up by a deep breath will in most cases afford immediate and welcome relief. Hay Fever Sinus Infections."

On May 10, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22650. Adulteration and misbranding of witch hazel. U. S. v. 64 Bottles, et al., of Witch Hazel. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32467. Sample nos. 67097-A, 67099-A, 67503-A, 67504-A, 67512-A, 67513-A.)

Examination of the four lots of extract of witch hazel covered by this case showed them to be in violation of the law in various respects, as follows: One lot fell below the standard established by the National Formulary, since it contained acetone, a substance not permitted by the formulary; it was of a higher specific gravity, and contained less alcohol than the formulary product, it was labeled "U. S. P.", whereas the United States Pharmacopoeia does not describe extract of witch hazel and the label bore an incorrect declaration of alcohol. A second lot fell below the formulary requirements, since it contained less alcohol, and was of a higher specific gravity than the formulary product; this lot also bore an incorrect declaration of alcohol. Examination of the third lot showed that the bottles contained less than 16 ounces, the volume declared on the label. The labels of all four lots contained unwarranted curative and therapeutic claims.

On April 2, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 308 bottles of witch hazel at Hoboken, N. J., alleging that the article had been shipped in interstate commerce, in various shipments, 1 lot on or about September 26, 1933, 2 lots on or about February 28, 1934, and the remaining lot during the 6 months next preceding March 8, 1934, by the General Merchandise & Sales Co., from New York, N. Y., and charging adulteration and misbranding of portions of the article, and misbranding of the remainder, in violation of the Food and Drugs Act as amended. The article was labeled, variously: "Witch Hazel * * * Gotham Pharmaceutical Company, New York City"; "Triple Distilled Witch Hazel * * * Eastern Chemical Co., New York N. Y."; "Witch Hazel U. S. P. Double Distilled * * * Rector Pharmaceutical Co., Inc., New York."

Analyses of samples of the article by this Department showed: (Lot 1) the product complied with the requirements of the National Formulary; (lot 2)

the product complied with the requirements of the National Formulary, the average volume of nine alleged 16-ounce bottles was 15.1 fluid ounces; (lot 3) the product contained 9.7 percent of alcohol by volume and had a specific gravity of 0.987 at 25° C.; (lot 4) the product contained acetone, 11.9 percent alcohol by volume, and had a specific gravity of 0.984 at 25° C. (the Formulary requires that extract of witch hazel be free from acetone, contain not less than 14 percent of absolute alcohol by volume, and have a specific gravity of not more than 0.982 at 25° C.).

It was alleged in the libel that two of the lots were adulterated in that they were sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in the National Formulary; and their own standard of strength, quality, and purity was not declared on the containers.

Misbranding was alleged for the reason that the statement "Contents 16 Fl. Ozs.", borne on the label of one of the lots, was false and misleading. Misbranding was alleged with respect to a second lot for the reason that the statement, "Contains 14% Absolute Alcohol", was false and misleading; and for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article, since the declaration made was incorrect. Misbranding was alleged with respect to a third lot for the reason that the following statements on the label were false and misleading: "Extract of Witch Hazel U. S. P Alcohol 14%." (The article is not described in the United States Pharmacopoeia.) Misbranding was alleged with respect to all four lots for the reason that the following statements on the labels, were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: (Bottle label of 2 lots) "Indicated for the relief of Rheumatism * * * Piles Hemorrhoids, Etc."; (bottle label, 1 lot) "Indicated for the relief of rheumatism, * * * hemorrhages, etc."; (bottle label, 1 lot) "For * * * Lacerations, Swelled Face, * * * Ulcers, Sore Throat, * * * Etc. * * * in case of ulcers and sores."

On June 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

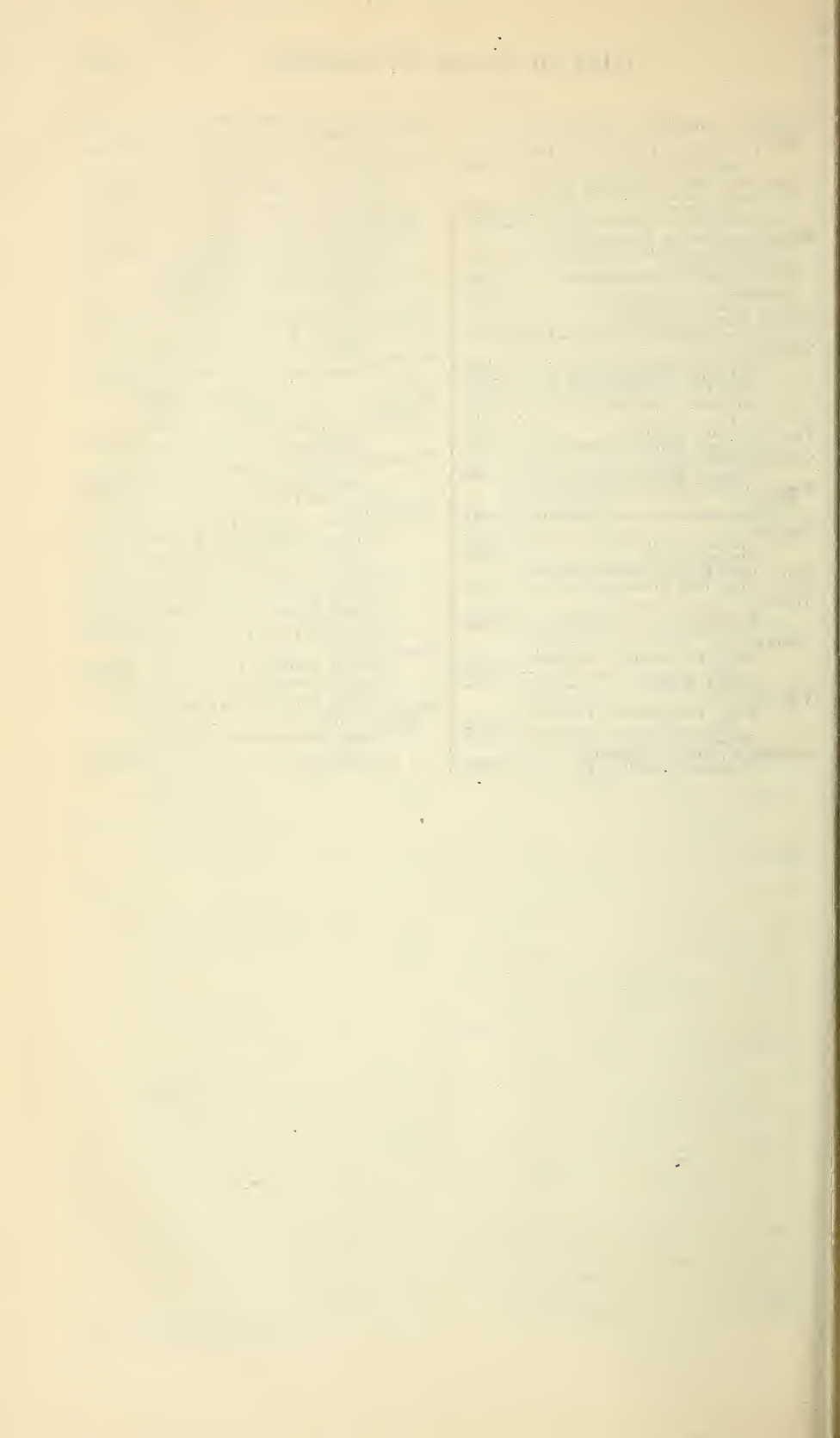
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Walgreen Co.....	22585
Blis-To-Sol:	
Blis-To-Sol Co.....	22600
Bloodzone:	
East India Medicine Co.....	22605
McKenzie, Benjamin.....	22605
Special:	
East India Medicine Co.....	22605
McKenzie, Benjamin.....	22605
Boric acid powder, compound:	
Connecticut Chemical & Dis- infectant Co.....	22599
Buchu and juniper compound, elixir:	
Montgomery Ward & Co.....	22586
Savoy Drug & Chemical Co.....	22586
Camphor, spirits:	
Liebenthal Bros. Co.....	22594
white, liniment:	
Connecticut Chemical & Dis- infectant Co.....	22599
Connecticut Chemical Co.....	22599
Camphorated oil:	
National Spice Co., Inc.....	22623
Prudential National Corpora- tion.....	22623
Safe Owl Products, Inc.....	22623
C. C. Special:	
Supto Manufacturing Co.....	22591
Tonic:	
Supto Manufacturing Co.....	22591
Cherry, wild, flaxseed and menthol, syrup of:	
Connecticut Chemical & Dis- infectant Co.....	22599
Cholerine:	
East India Medicine Co.....	22605
McKenzie, Benjamin.....	22605
Chloride of iron, tincture:	
Gilpin, Henry B., Co.....	22632
Chloroform liniment:	
Blumauer-Frank Drug Co.....	22592
Liebenthal Bros. Co.....	22594
Marlo Laboratories.....	22594
Cinchona, tincture:	
Allaire, Woodward & Co.....	22587
compound, tincture:	
Blue Line Chemical Co.....	22631
Cly-Tone Tonic:	
Collins, Clyde, Chemical Co.....	22615
O'Bannon, J. L.....	22615
Colchicum root, fluidextract:	
Allaire, Woodward & Co.....	22587
powdered extract:	
Allaire, Woodward & Co.....	22587

	N. J. No.
Collins Fever and Liver Medicine:	
Salter, J. A.....	22579
Vicksburg Chemical Co.....	22579
Cough syrup:	
Blackstone Manufacturing Co.....	22641
Connecticut Chemical & Dis- infectant Co.....	22599
Cysto Sedative:	
Strong, Cobb & Co.....	22642
Dairmolt:	
Campbell, H. C.....	22596
Dairy Laboratories.....	22596
Devine's Old Reliable Australian Eucalyptus Inhaler Set:	
Devine, P. E.....	22644
Green, H. L., Co.....	22644
Dunlop Pyorrhea Paste:	
Emme Dental Specialty Co.....	22620
Dunlop Pyorrhea Machine Manufacturing Co.....	22620
East India Injection:	
East India Medicine Co.....	22605
McKenzie, Benjamin.....	22605
Echitone:	
Strong, Cobb & Co.....	22642
Epsaline Tablets:	
Gold Seal Products Co.....	22648
Epsom salt:	
National Pharmacy Co.....	22625
Texaco Salt Products Co.....	22625
tablets, compound:	
Connecticut Chemical & Dis- infectant Co.....	22599
Erdeky's Blood Purifier:	
Erdeky, Kalman.....	22628
Kalerd Laboratories.....	22628
Blood Tea:	
Erdeky, Kalman.....	22628
Kalerd Laboratories.....	22628
Blood Tonic:	
Erdeky, Kalman.....	22628
Kalerd Laboratories.....	22628
Cough Balsam:	
Erdeky, Kalman.....	22628
Kalerd Laboratories.....	22628
Cough Tea:	
Erdeky, Kalman.....	22628
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Erdeky, Kalman.....	22628
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Lung Balsam:	
Erdeky, Kalman.....	22628
Kalerd Laboratories.....	22628
Lung Tea:	
Erdeky, Kalman.....	22628
Kalerd Laboratories.....	22628
Mother Drops:	
Erdeky, Kalman.....	22628
Kalerd Laboratories.....	22628
Mustard Ointment:	
Erdeky, Kalman.....	22628
Kalerd Laboratories.....	22628
Nerve Medicine:	
Erdeky, Kalman.....	22628
Kalerd Laboratories.....	22628
Reparator:	
Erdeky, Kalman.....	22628
Kalerd Laboratories.....	22628
Stomach Regulator:	
Erdeky, Kalman.....	22628
Kalerd Laboratories.....	22628
Women's Friend:	
Erdeky, Kalman.....	22628
Kalerd Laboratories.....	22628

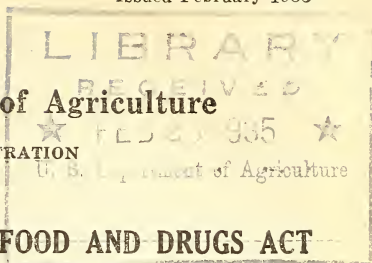
	N. J. No.		N. J. No.
Ether :		Magnesia, calcined :	
Mallinckrodt Chemical Works-----	22598	Husband's Magnesia Co., Inc-----	22636
Eucaline Tonic Compound :		milk of :	
Salter, J. A-----	22579	Connecticut Chemical & Dis-	
Vicksburg Chemical Co-----	22579	infectant Co-----	22599
Fresca Antiseptic Powder :		Standard Chemical Co-----	22599
Fresca Co-----	22610	Malydor, Injection :	
Georgia Crystal Compound :		Bar-Ben Laboratory Co-----	22578
Georgia Crystal Co-----	22638, 22643	Jewitt, C. A-----	22578
Warm Springs Crystal Co-----	22638	Jewitt, H. M-----	22578
Warm Springs Health Prod-		Jewitt, W. A-----	22578
ucts, Inc-----	22643	Williams Manufacturing Co-----	22578
Germol :		Pills :	
Paris Chemical Co-----	22637	Bar-Ben Laboratory Co-----	22578
Golden seal, fluidextract :		Jewitt, C. A-----	22578
Allaire, Woodward & Co-----	22587	Jewitt, H. M-----	22578
Goth-Ora Antiseptic :		Jewitt, W. A-----	22578
General Merchandise & Sales		Williams Manufacturing Co-----	22578
Co-----	22619	Martin's Herb Tablets :	
Gotham Pharmacal Co-----	22619	Martin Herb Co-----	22603
Griscom's Family Liniment :		Miller's Rosy :	
Griscom Manufacturing Co-----	22583	Miller, John-----	22624
Steelman & Archer, Inc-----	22583	Mouth Wash :	
Guarana, fluidextract :		Oxiton Products Co-----	22604
Allaire, Woodward & Co-----	22587	Royal Sundries Corporation-----	22604
Hayward's Preparation :		Nitrous ether, spirit :	
Hayward Remedy Co., Inc-----	22621	Blue Line Chemical Co-----	22631
Healing Ointment :		Novadyne Tablets :	
Tilton Laboratories-----	22577	Yarbrough, C. C-----	22629
Tilton, Lester-----	22577	Nux vomica, tincture :	
Herz Tabletter :		Gilpin, Henry B., Co-----	22595
Bika Biochemical Laborato-		Ol de Vita :	
ries-----	22582	Bika Biochemical Laborato-	
Hessel, Eugene-----	22582	ries-----	22582
Husband's Calcined Magnesia :		Hessel, Eugene-----	22582
Husband's Magnesia Co., Inc-----	22636	Ollendorff's Solution :	
Hutchison's Big Head Liniment :		Cuplin, P. P-----	22626
Hutchison, J. C-----	22584	Ollendorff Co-----	22626
Hutchison Medicine Co-----	22584	Osteon Fem :	
Magic Oil :		Bika Biochemical Laborato-	
Hutchison, J. C-----	22584	ries-----	22582
Hutchison Medicine Co-----	22584	Hessel, Eugene-----	22582
Spleen Mixture and Blood Purifier :		Masc :	
Hutchison, J. C-----	22584	Bika Biochemical Laborato-	
Hutchison Medicine Co-----	22584	ries-----	22582
Hydropin :		Hessel, Eugene-----	22582
Bika Biochemical Laborato-		Oxiton Mouth Wash :	
ries-----	22582	Oxiton Products Co-----	22604
Hessel, Eugene-----	22582	Royal Sundries Corporation-----	22604
Hypophosphites compound, syrup :		Parcholin :	
Blue Line Chemical Co-----	22631	Bika Biochemical Laborato-	
Insipin :		ries-----	22582
Bika Biochemical Laborato-		Hessel, Eugene-----	22582
ries-----	22582	Peppermint, essence :	
Hessel, Eugene-----	22582	Liebenthal Bros. Co-----	22594
Iodogrin :		Petroleum jelly :	
Bundt Laboratories-----	22617	Lander Co-----	22616
Iron, quinine and strychnine elixir :		Phyllosan :	
Valentine Laboratories, Inc-----	22585	McElvie, J. G-----	22607
Walgreen Co-----	22585	Pine Tree Ointment :	
Jayne's Dr., Bro-da Tonic Pills :		Pine Tree Products Co-----	22630
Jayne, Dr. D., & Son, Inc-----	22589	Platt's Dr., Rinex Prescription :	
Jo-Lova Tea :		Rinex Laboratories-----	22588
Paraguay Tea, Inc-----	22602	Pneumoseptin :	
Katropine Antiseptic Nasal Jelly :		Gowan Chemical Co-----	22634
Phoenix Drug Co-----	22649	Virginia-Carolina Medical Co-----	22634
Kelfood :		Pyorrhea Paste :	
Protective Diet League-----	22601	Emme Dental Specialty Co-----	22620
Kola nut, fluidextract :		Dunlop Pyorrhea Machine	
Allaire, Woodward & Co-----	22587	Manufacturing Co-----	22620
Kuhn's Ep-Sum-Pill :		Pyroligneous Compound :	
Kuhn, H. Dale, Laboratory-----	22646	Tilton Laboratories-----	22577
Lavender, oil of :		Tilton, Lester-----	22577
Cram, J. J-----	22593	Quinine capsules :	
Good, James, Inc-----	22593	Cumberland Manufacturing	
Meehan, Thomas-----	22593	Co-----	22635
Leonard's Mexica Barb Wire Lini-		Rabbit Supto :	
ment :		Supto Manufacturing Co-----	22609
Leonard, Mrs. Harry-----	22633	Sayman's, Dr., Healing Salve :	
Lymphin Fem :		Sayman, T. M., Products Co-----	22590
Bika Biochemical Laborato-		Sodium biphosphate :	
ries-----	22582	Cramm, J. J-----	22593
Hessel, Eugene-----	22582	Good, James, Inc-----	22593
Masc :		Meehan, Thomas-----	22593
Bika Biochemical Laborato-			
ries-----	22582		
Hessel, Eugene-----	22582		

	N. J. No.		N. J. No.
Standard's Compound Epsom salt tablets:		Vitamized Poultry Compound—Con. Stock Compound:	
Connecticut Chemical & Disinfectant Co.....	22599	Vitamized Products Co.....	22581
Compound Milk of Magnesia:		Vi-Te-Ma Poultry Compound:	
Connecticut Chemical & Disinfectant Co.....	22599	Jones, C. L.....	22580
Standard Pharmacal Co.....	22599	Vi-Te-Ma Products Co.....	22580
Stramonium leaves, fluidextract:		White, E. W.....	22580
Allaire, Woodward & Co.....	22587	Stock Compound:	
powdered extract:		Jones, C. L.....	22580
Allaire, Woodward & Co.....	22587	Vi-Te-Ma Products Co.....	22580
tincture:		White, E. W.....	22580
Allaire, Woodward & Co.....	22587	Warm Springs Crystal Compound:	
Sweet's Kamforina Salve:		Warm Springs Crystal Sales Co.....	22613
Sweet Manufacturing Co., Inc.	22618	Weldona for Rheumatism:	
Tona Spaf:		Salter, J. A.....	22579
Munyon Remedy Co.....	22612	Vicksburg Chemical Co.....	22579
National Manufacturing Co.....	22612	Whisky:	
Penn Drug & Supply Co.....	22612	Brown-Forman Distillery Co.	22608,
Sunshine Pharmaceutical Co., Inc.....	22612		22639
Tru-Aspington Tablets:		White pine and tar, compound cough syrup:	
Tru-Lax Manufacturing Co....	22622	Connecticut Chemical & Disinfectant Co.....	22599
Tru-Koff-Ade:		Wintergreen, oil of:	
Tru-Lax Manufacturing Co....	22622	Connecticut Chemical & Disinfectant Co.....	22599
Truth Brand White Pine Cough Syrup:		Standard Pharmacal Co.....	22599
Blackstone Manufacturing Co.	22641	Witch hazel:	
Vagitone:		Eastern Chemical Co.....	22650
Vincent Laboratories.....	22597	General Merchandise & Sales Co.....	22650
Vincent, P. D.....	22597	Gotham Pharmacal Co.....	22645
Van's, Billy B., Pine Tree Ointment:		Hallock-Denton Co.....	22606
Pine Tree Products Co.....	22630	Lander Co.....	22616
Vapex:		Rector Pharmacal Co., Inc..	22650
Fougera, E., & Co., Inc.....	22576	Sheray, Inc.....	22645
Kerfoot, Thos., & Co., Ltd..	22576	Standard Drug Co.....	22640
Viripan:		Womanette:	
Bika Biochemical Laboratories.....	22582	Bolton Medicine Co.....	22611
Hessel, Eugene.....	22582	Capital Remedy Co.....	22611
Vita Salve:		Wilzin, L.....	22611
Bika Biochemical Laboratories.....	22582	Zenar Nos. 3, 4, 5, 8, 15, 18, 19, 21, 24, and 26:	
Hessel, Eugene.....	22582	Bika Biochemical Laboratories.....	22582
Vitamized Poultry Compound:		Hessel, Eugene.....	22582
Vitamized Products Co.....	22581		



United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION



NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

22651-22675

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 26, 1935]

22651. Adulteration and misbranding of sodium cacodylate ampoules. U. S. v. Pitman-Moore Co. Plea of guilty. Fine, \$100. (F. & D. no. 30341. Sample nos. 6011-A, 6012-A, 6014-A.)

This case was based on an interstate shipment of three lots of sodium cacodylate ampoules labeled as containing 3, 5, and $7\frac{1}{2}$ grains, respectively, of sodium cacodylate per 100 cubic centimeters. Samples taken from each lot were found to contain less sodium cacodylate than declared on the label.

On February 23, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pitman-Moore Co., a corporation, Indianapolis, Ind., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 15, 1932, from the State of Indiana into the State of Ohio, of quantities of sodium cacodylate ampoules which were adulterated and misbranded. The article was labeled in part: (Carton) "Each Cc contains: Sodium Cacodylate 3 grs. [or "5 Grs." or " $7\frac{1}{2}$ Grs.]" * * * Pitman-Moore Co. Indianapolis."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that the ampoules were represented to contain, in each cubic centimeter, 3 grains, 5 grains, or $7\frac{1}{2}$ grains of sodium cacodylate; whereas they contained a less amount, the alleged 3-grain ampoules containing not more than 2.757 grains, the alleged 5-grain ampoules containing not more than 4.08 grains and the alleged $7\frac{1}{2}$ -grain ampoules containing not more than 6.71 grains of sodium cacodylate per 100 cubic centimeters.

Misbranding was alleged for the reason that the statements, "Each Cc contains Sodium Cacodylate 3 grs. [or "5 Grs." or " $7\frac{1}{2}$ Grs.]"", borne on the box, and "Ampouls 1 Cc. contains Sodium cacodylate 3 grs." [or "5 grs." or " $7\frac{1}{2}$ grs."]", borne on the ampoule label, were false and misleading, since the ampoules contained a smaller amount of sodium cacodylate than was declared.

On May 12, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

22652. Adulteration and misbranding of fluidextract of ginger. U. S. v. Max Krapkoff (Kent & Taylor). Plea of guilty. Fine, \$125. F. & D. no. 30293. I. S. nos. 31662, 39666, 42038, 42157, 47162.)

This case was based on interstate shipments of fluidextract of ginger which differed from the pharmacopoeial standard.

On July 11, 1934, United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Max Krapkoff, trading as Kent & Taylor, New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about August 27, 1931, from the State of New York into the State of Texas, on or about September 9, November 14, and December 7, 1931, from the State of New York into the State of Maryland, and on or about November 24, 1931, from the State of New York into the State of Mississippi,

of quantities of fluidextract of ginger which was adulterated and misbranded. The shipments consisted of one lot in gallon cans and four lots in 2-ounce bottles. The cans and one of the bottled lots were labeled: "Fluid Extract of Ginger U. S. P. * * * Nomen Products Co., Inc., New York." The remaining three bottled lots were accompanied by labels bearing the same statements.

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia official at the time of investigation, in that it was a mixture composed in part of material not derived from ginger and which contained an oil or oils not mentioned in the pharmacopoeia as constituents of fluidextract of ginger and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to be fluidextract of ginger which conformed to the standard laid down in the United States Pharmacopoeia, whereas it was not.

Misbranding was alleged for the reason that the statement, "Fluid Extract of Ginger, U. S. P.," borne on the labels attached to the cans and part of the bottles, and accompanying the remainder of the said bottles, was false and misleading in that the said statement represented that the article was fluidextract of ginger which conformed to the standard laid down in the United States Pharmacopoeia, whereas it was not. Misbranding was alleged for the further reason that the article was a mixture composed in part of material not derived from ginger and which contained an oil or oils not mentioned in the pharmacopoeia as constituents of fluidextract of ginger, prepared in imitation of fluidextract of ginger, U. S. P., and was offered for sale and sold under the name of another article, namely, fluidextract of ginger, U. S. P.

On July 16, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$25 on each of the 5 adulteration counts and suspended sentence on the 5 misbranding counts.

M. L. WILSON, *Acting Secretary of Agriculture.*

22653. Misbranding of Dr. Parker's Treatment for Indigestion and Constipation. U. S. v. 202 Boxes of Dr. Parker's Treatment for Indigestion and Constipation. Default decree of condemnation and destruction. (F. & D. no. 30814. Sample no. 42357-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On August 3, 1923, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 202 boxes of Dr. Parker's Treatment for Indigestion and Constipation at Huntington, W. Va., alleging that the article had been shipped in interstate commerce, on or about June 5, 1931, by the Parker Medicine Co., from Cincinnati, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium bicarbonate (42 percent), starch, and ginger, flavored with peppermint oil; the pills, which were part of the treatment, contained extracts of plant drugs, including aloe and nux vomica.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: (Tin container) "Treatment For Indigestion * * * It is prepared especially for persons suffering from indigestion and results of indigestion. This is the Doctor's favorite prescription after treating diseases of the stomach and bowels for thirty years, and comes the nearest to being a specific he has ever discovered. * * * When you have rheumatism the first thing to do is to get cured of indigestion. Indigestion causes more rheumatism than all other diseases combined. Indigestion causes more kidney trouble than anything else. Indigestion causes nervous prostration. Indigestion causes heart failure. Indigestion causes skin diseases. Indigestion causes constipation. Indigestion causes appendicitis. Indigestion causes impure blood. Our blood is made from what we eat and drink, and unless our food is made into healthy blood we may expect some form of disease as a result. * * * Treatment for Indigestion * * * Diagnose

Your Own Case. And see if you need a medicine that is prepared especially for indigestion. If none of the following symptoms are found in your case you have no such thing as indigestion and need none of this or any other medicine for indigestion. All persons suffering from stomach or intestinal indigestion, or both will have one or more of the following symptoms: Sour Stomach, Belching, Bloating, Pain in Stomach and Bowels, offensive breath, bad taste in mouth, coated tongue, headache, backache, nervousness, appetite poor though may be good at times, loss of ambition, constipation, occasionally bowels running off, cold hands and feet, feeble circulation and many other symptoms not mentioned. * * * In preparing a special treatment for indigestion our work would lack completeness should we fail to give the liver proper attention, as it performs a very important part in the process of indigestion, as all organs must work together. We therefore recommend our liver tablets as a part of the special treatment. * * * produce natural evacuation * * * conditions where there is an inactive condition of the liver. Every box of indigestion treatment contains one box of our liver tablets. * * * Liver Tablets"; (box label) "Liver Tablets * * * Liver Tablets * * * Prepared especially for the liver."

On June 13, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22654. Adulteration and misbranding of fluidextract of squill. U. S. v. 23 Bottles and 198 Bottles of Fluidextract Squill. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31173. Sample nos. 43042-A, 43043-A.)

This case involved shipments of fluidextract of squill, labeled "U. S. P.", which was below the pharmacopoeial standard. The label failed to declare the alcohol content.

On September 28, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 221 bottles of fluidextract of squill at Garfield, N. J., alleging that the article had been shipped in interstate commerce, in part on or about September 6, 1933, from Perryville, Md., and in part on or about September 9, 1933, from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "1 Pint Fluidextract Squill (Fluidextractum Scillae) U. S. P. B. R. Elk & Company, Mfg. Chemists, Garfield, N. J."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, and its own standard was not stated on the container.

Misbranding was alleged for the reason that the statement on the label, "Fluidextract Squill (Fluidextractum Scillae) U. S. P.", was false and misleading; and for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article.

On August 10, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22655. Misbranding of Female Re-Lax Lozenges, and Steriltone. (U. S. v. (Dr.) H. Will Elders. Plea of guilty. Fine, \$500. (F. & D. no. 31324. Sample nos. 29248-A, 35364-A.)

Examination of the drug products involved in this case showed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings.

On or about July 25, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against (Dr.) H. Will Elders, St. Joseph, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 25, 1933, from the State of Missouri into the State of Indiana, of a quantity of Female Re-Lax Lozenges,

and on or about February 18, 1933, from the State of Missouri into the State of California of a quantity of Steriltone, which products were misbranded.

Analyses of samples of the articles by this Department showed that the Female Re-Lax Lozenges contained extracts of plant drugs, including a laxative drug, ginger and belladonna, podophyllin, and a compound of strychnine, coated with sugar and calcium carbonate and colored with a red dye; and that the Steriltone consisted essentially of extracts of plant drugs, including hydrastis and a laxative drug, ferrous sulphate, and arsenic trioxide.

It was alleged in the information that the articles were misbranded in that certain statements, designs, and devices regarding the curative and therapeutic effects of the articles falsely and fraudulently represented that they were effective (Female Re-Lax Lozenges) as a treatment for bowel trouble; effective to eliminate poisonous secretions, to clear the complexion and have indirect beneficial results on the nervous organism; effective to promote vim, vigor, vitality, and health; effective when used in connection with Steriltone to relieve congestion and irritation and tend to build up health, strength and vitality for women at or during the menstrual periods and other times; effective as an aid to nature in eliminating impurities which so largely influence the menstrual flow and in relieving congested conditions throughout the female organs at menstrual period; effective to eliminate to a great extent the miseries, headaches, backaches, and cramps occurring during the menses; effective to exactly meet the requirements of women during the menstrual periods, to relieve the congestion that occurs through the uterus and other female organs during periods, to relieve any sluggish condition of the abdominal organs, to relieve the tendency for congestion of female pelvic organs in general, to insure monthly periods in a natural way, to have a peculiar and beneficial action in bringing about an increased flow of bile, to ward off many serious complications that might arise, such as lumbago, jaundice, stomach derangement, toxemic (sick) headache, myalgia, and many others; effective to relieve habitual constipation; effective as a treatment for constitutional weakness in women; effective to aid digestion and to keep the stomach and bowels in order; (Steriltone) to insure normal menstrual functions; effective as a distinctive aid to the glandular system and to bring in harmony the endocrine chain of glands; effective to stimulate the generative functions to insure conception; effective to introduce in the blood stream not only the proper materials that insure body-building and functional stimulus, but also the important and necessary delicate organic secretions, the deficiency of which is often the direct results of poisons absorbed from clogged bowels; and effective when used in connection with Re-Lax Lozenges to eliminate poisons in the womb and vagina.

On September 17, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$500.

M. L. WILSON, *Acting Secretary of Agriculture.*

22656. Adulteration and misbranding of ampoules of iron cacodylate with strychnine. U. S. v. Roy Ravone Rogers (R. R. Rogers Chemical Co.). Plea of guilty. Fine, \$30. (F. & D. no. 31337. Sample nos. 12839-A, 23101-A, 44590-A.)

This case was based on shipments of a product sold as ampoules of iron cacodylate with strychnine, but which did not consist solely of the said drugs, analyses showing that it contained added quinine.

On July 17, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Roy Ravone Rogers, trading as R. R. Rogers Chemical Co., San Francisco, Calif., alleging shipment by said defendant, on or about July 16, 1932, and March 6 and May 2, 1933, from the State of California into the State of Nevada, of quantities of ampoules of iron cacodylate with strychnine, which were adulterated and misbranded. The article was labeled in part: (Box) "R. R. Rogers Ampoules Iron Cacodylate With Strychnine [or "R. R. Rogers Sterilized Tubes Iron Cacodylate and Strychnine"] * * * R. R. Rogers Chemical Co., San Francisco, Calif."; (ampoule) "Iron Cac. & Strych. 2 cc. [or "1 cc.]."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to consist only of iron cacodylate and strychnine, whereas it contained an added potent drug, quinine.

Misbranding was alleged for the reason that the statements "Iron Cacodylate with Strychnine" and "Iron Cacodylate and Strychnine", borne on the boxes,

and the statement, "Iron Cac. & Strych.", borne on the ampoules, were false and misleading, in that they represented that the article consisted only of iron cacodylate and strychnine, whereas it contained an added potent drug, quinine.

On July 31, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$30.

M. L. WILSON, *Acting Secretary of Agriculture.*

22657. Adulteration and misbranding of aspirin tablets. U. S. v. Hampton Manufacturing Co., Inc. Plea of guilty. Fine, \$50. (F. & D. no. 31361. Sample nos. 17351-A, 17352-A, 25475-A, 35477-A.)

This case was based on interstate shipments of alleged 5-grain aspirin tablets which contained less than 5 grains of aspirin per tablet.

On July 23, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hampton Manufacturing Co., Inc., trading at Carlstadt, N. J., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 27, 1933, from the State of New Jersey into the State of Illinois, and on or about April 1, 1933, from the State of New Jersey into the State of California, of quantities of aspirin tablets which were adulterated and misbranded. A portion of the article was labeled: "Aspirin Five Grains Purified Aspirin * * * National Laboratories New York." The remainder was labeled: "Aspirin 5 Grs. Each * * * National Pharmacal Co. New York."

It was alleged in the information that the article was adulterated in that it fell below the professed standard and quality under which it was sold, in that each tablet was represented to contain 5 grains of aspirin, whereas each tablet contained less than 5 grains of aspirin, samples taken from the three lots having been found to contain not more than 4.1, 4.3, and 4.5 grains of aspirin, respectively.

Misbranding was alleged for the reason that the statement, "Tablets * * * Aspirin 5 grains", borne on the label, was false and misleading, since the tablets contained less than 5 grains of aspirin.

On August 24, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22658. Adulteration of tincture of digitalis. U. S. v. Glens Falls Pharmacal Co., Inc. Plea of guilty. Fine, \$25. (F. & D. no. 31449. Sample no. 34620-A.)

This case was based on a shipment of tincture of digitalis which failed to conform to the requirements of the United States Pharmacopoeia.

On April 16, 1934, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Glens Falls Pharmacal Co., Inc., Glens Falls, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 8, 1933, from the State of New York into the State of Vermont, of a quantity of tincture of digitalis which was adulterated. The article was labeled in part: "Glens Falls Pharmacal Co. (Incorporated) Glens Falls, New York * * * Tincture Digitalis."

It was alleged in the information that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, in that 1 cubic centimeter corresponded to 0.054 milligram of ouabain; whereas the pharmacopoeia provides that 1 cubic centimeter of tincture digitalis shall correspond to 0.083 milligram of ouabain; and the standard of strength, quality, and purity of the article was not declared on the container thereof.

On July 10, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22659. Alleged misbranding of Kavatone and Nash's Croup and Pneumonia Salve. U. S. v. Platt Drug Co., and Isaac Platt. Judgment of not guilty. (F. & D. no. 31454. Sample nos. 4625-A, 50281-A.)

On February 27, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the dis-

strict court an information against the Platt Drug Co., a corporation, and Isaac Platt, Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about February 28, 1933, from the State of Illinois into the State of Michigan of a quantity of Kavatone, and on or about August 4, 1933, from the State of Illinois into the State of Ohio, of a quantity of Nash's Croup and Pneumonia Salve, which were misbranded.

Analyses of samples of the articles by this Department showed that the Kavatone consisted of potassium iodide (0.4 percent), extracts of plant drugs, including a laxative drug, volatile oils including anise oil, sassafras oil, and methyl salicylate, a small proportion of acetic acid, isopropyl alcohol (approximately 3 percent), glycerin, and water, and that the Croup and Pneumonia Salve consisted of an ointment with a petrolatum base containing small proportions of camphor, menthol, pine oil, and sassafras oil.

It was alleged in the information that the articles were misbranded in that certain statements, designs, and devices regarding their curative or therapeutic effects, appearing in the labelings, falsely and fraudulently represented that they were effective (Kavatone) as a system purifier; effective as a builder of strength for the entire family; effective as a restorative; effective to produce energy and to aid digestion and promote general health; effective as a treatment, remedy, and cure for rheumatism, stomach, kidney and liver troubles, and impure blood; (Croup and Pneumonia Salve) as a treatment, remedy, and cure for croup, pneumonia, pains in the joints, stiffness, colic and similar diseases, coughs, whooping cough, piles, stiffness of joints, muscular rheumatism, la grippe, influenza, sore throat, tonsilitis and catarrh; effective as a treatment for all inflammations, to medicate the lungs, to cause loosening of the phlegm and to cause easier breathing; effective as an aid in treating congestion and inflammation such as chest colds, coughs, catarrh, sore throat, asthma, bronchitis, hay fever, piles, boils, tonsilitis, and pneumonia; effective to relieve difficult breathing; and effective to cool the fever in pneumonia.

Misbranding of the Kavatone was alleged for the further reason that the statement, "Prepared by the combination of herbs, roots, barks, leaves and blossoms", borne on the carton, was false and misleading, in that it represented that the article was prepared wholly from vegetable substances; whereas it was prepared from substances other than vegetable substances. Misbranding of the Kavatone was alleged for the further reason that it contained isopropyl alcohol, and the label on the package failed to bear a statement of the quantity and proportion of isopropyl alcohol contained in the article.

On July 25, 1934, the defendant was arraigned and was adjudged not guilty.

M. L. WILSON, *Acting Secretary of Agriculture.*

22660. Misbranding of Epsom Salt Tablets. U. S. v. DeVore Manufacturing Co. Plea of guilty. Fine, \$10. (F. & D. no. 31468. Sample no. 42984-A.)

This case was based on a shipment of a product labeled to convey the impression that its laxative effect was derived from Epsom salt. Analysis showed that the 2 tablets recommended for a dose contained but a fraction of a dose of Epsom salt, and that it contained phenolphthalein and aloin, or aloes, which would produce its principal laxative effect. The article was also falsely labeled as to the name of the manufacturer.

On April 11, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the DeVore Manufacturing Co., a corporation, Columbus, Ohio, alleging shipment by said company in violation of the Food and Drugs Act, on or about August 18, 1932, from the State of Ohio into the State of Pennsylvania, of a quantity of Epsom salt tablets which were misbranded. The article was labeled in part: "Clover Leaf Epsom Salt Tablets."

Analysis of a sample of the article by this Department showed that the tablets contained magnesium sulphate (4.5 grains per tablet), phenolphthalein (0.54 grain per tablet), and aloin, coated with calcium carbonate.

It was alleged in the information that the article was misbranded in that the statements, "Epsom Salt Tablets Compound," "To be used in place of the ordinary disagreeable Epsom Salts", "Two Tablets as effective as a tablespoonful of Epsom Salt", and "Penn Drug & Supply Co., 2 Lackawanna Ave., Scranton, Pa.", borne on the display card and carton and bottle labels, were false and misleading, in that they represented that the article was Epsom

salt tablets compound; that it could be used in place of the ordinary Epsom salts; that two tablets were as effective as a tablespoonful of Epsom salt, and that it was manufactured by the Penn Drug & Supply Co., Scranton, Pa.; whereas the article was not Epsom salt tablets compound in that it contained an inappreciable amount of Epsom salt; it could not be used in place of the ordinary Epsom salts; two tablets were not as effective as a tablespoonful of Epsom salt; and the article was manufactured by the DeVore Manufacturing Co., Columbus, Ohio.

On June 23, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

22661. Misbranding of Servu Vaporizing Rub. U. S. v. 1,728 Jars of Servu Vaporizing Rub. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31765. Sample no. 59135-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On December 22, 1934, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,728 jars of Servu Vaporizing Rub at Decatur, Ill., alleging that the article had been shipped in interstate commerce, on or about November 15, 1933, by the Service Laboratories, from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils such as methyl salicylate, camphor, menthol, eucalyptus oil, and turpentine oil, incorporated in an ointment base composed of petrolatum and fat.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the jar label, were false and fraudulent: "Directions for * * * coughs * * * for * * * rheumatism, stiff neck, etc."

On July 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22662. Misbranding of Po-Da-Cro Bak-Ake Kidney and Bladder Pills. U. S. v. The Podacro Co., Inc. Plea of guilty. Fine, \$250. (F. & D. no. 32204. Sample no. 30497-A.)

Examination of the drug preparation involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On or about August 8, 1934, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Podacro Co., Inc., Morristown, Tenn., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 2, 1933, from the State of Tennessee into the State of Virginia, of a quantity of Po-Da-Cro Bak-Ake Kidney and Bladder Pills which were misbranded.

Analysis of a sample of the pills by this Department showed that they contained juniper oil and methylene blue and were coated with calcium carbonate.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding its curative and therapeutic effect, appearing on the bottle label, display box, and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for kidney and bladder ailments and troubles, and for all urinary troubles, dropsy, rheumatism, and backache; effective to act on the liver; effective as a preventive of Bright's disease and other diseases of the kidneys; effective to tone up the stomach, to purify the blood, and to flush out and strengthen the kidneys; effective as a treatment, remedy, and cure for weak or lame back, congestion of kidneys, pain over kidneys, pain in back or side, inflammation of bladder, gravel, scalding urine, painful passage of urine, scanty urine, too frequent desire to urinate, sediment in urine, cloudy urine,

diabetes, Bright's disease, all kidney, bladder and urinary trouble, gall stones, and gravel in kidneys.

On September 27, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$250.

M. L. WILSON, *Acting Secretary of Agriculture.*

22663. Misbranding of Epsaline Tablets. U. S. v. 106 Packages of Epsaline Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32440. Sample no. 66322-A.)

This case involved a product labeled to convey the impression that its laxative effects were derived from Epsom salt. Examination showed that in the two tablets recommended for a dose there would be but a fraction of an ordinary dose of Epsom salt, and that the two tablets contained nearly an average dose of phenolphthalein, also aloin, an active cathartic, which would produce their principal laxative effect. The bitter taste of the Epsom salt and aloin had not been eliminated as claimed, but had been concealed by a coating.

On March 31, 1934, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 106 packages of Epsaline Tablets at Albany, N. Y., alleging that the article had been shipped in interstate commerce on or about February 1, 1934, by the Gold Seal Products Co., from Columbus, Ohio, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Gold Seal Epsaline Tablets."

Analysis of a sample of the article by this Department showed that it contained in each tablet, aloin, phenolphthalein (0.4 grain), and Epsom salt (7.5 grains).

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels were false and misleading, in view of the actual composition of the article: (Carton) "Epsaline Tablets Epsom Salt Tablets Compound To be used in place of the ordinary Epsom Salts. Two tablets as effective a laxative as a tablespoonful of Epsom Salt. The Nasty Bitter Taste is Eliminated"; (bottle) "Epsaline Tablets Epsom Salt Tablets Compound Two tablets as effective as a tablespoonful of Epsom Salt, To be used in place of the ordinary disagreeable Epsom Salts."

On May 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22664. Misbranding of Buno Hair Medicine. U. S. v. 166 Bottles and 239 Bottles of Buno Hair Medicine. Product adjudged misbranded; released under bond to be relabeled. (F. & D. no. 32560. Sample nos. 65828-A, 65829-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 18, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one hundred and sixty-six 8-ounce bottles and two hundred and thirty-nine 16-ounce bottles of Buno Hair Medicine at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about February 21, 1934, by the Buno Co., Inc., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of resorcin (1.24 grams per 100 milliliters), a small proportion of a fatty oil, brucine, perfume oils including bay oil, alcohol, and water, colored yellow.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent: (Bottle) "Will stop dandruff and falling hair * * * When dandruff disappears use as a sanitary hair dressing. Directions for Using Buno For falling hair to be used with hot towels between the rub. Do not rub too hard, but massage it slowly with your finger tips 2 or 3 times a week. To cure dandruff rub well 2 or 3 times a week. Wash your hair on the second week. After 6 applications you will have no more dan-

druff. For Eczema do not rub hard to irritate it. Keep away from water. To cure Eczema very quickly, it must be used every day. If after 2 or 3 weeks you are not completely cured let us know, and we will supply you with a bottle of stronger Buno"; (shipping case) "Will stop dandruff and falling hair * * * When dandruff disappears."

On July 5, 1934, the Gunkel Barber's Supply Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered finding the product misbranded but that it could be relabeled so that it could be sold without violation of the law, and the court ordered that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be not sold or disposed of contrary to the provisions of the Food and Drugs Act, and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

22635. Misbranding of ephedrine jelly. U. S. v. 40 Packages of Ephedrine Jelly. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32574. Sample no. 63674-A.)

This case involved a drug preparation labeled with unwarranted therapeutic claims.

On April 23, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 packages of ephedrine jelly at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about September 6, 1933, by Blackman & Blackman, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: 'Ephedrine Jelly Ephedrine Ointment Compound * * * Premo Pharmaceutical Laboratories, N. Y.'

Analysis of a sample of the article by this Department showed that it consisted essentially of ephedrine and volatile oils, including camphor, menthol, and thyme oil, incorporated in an ointment base.

It was alleged in the libel that the article was misbranded in that the following statement regarding its curative or therapeutic effect, appearing on the carton, was false and fraudulent: "The jelly may be used as an external application for Sore Throats."

On July 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22666. Misbranding of X-E-Ma. U. S. v. 20 Bottles of X-E-Ma. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32578. Sample no. 65266-A.)

Examination of the drug preparation X-E-Ma showed that it contained no ingredients or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article was labeled to convey the impression that it was of herbal origin, whereas it contained mercuric chloride, a physiologically active substance not of herbal origin.

On April 27, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 bottles of X-E-Ma at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about January 9, 1934, by the X-E-Ma Co., from Milwaukee, Wis., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of mercuric chloride (60 milligrams per 100 milliliters), glycerin, and water, colored red.

It was alleged in the libel that the article was misbranded in that the following statements in the circular were false and misleading, since the article contained mercuric chloride, a physiologically active ingredient not of herbal origin: "Experimentation and improvement have brought the blending of soothing and healing herbs to the peak of their powers." Misbranding was alleged for the further reason that certain statements appearing in a circular shipped with the article falsely and fraudulently represented that it was effective in the treatment of skin ailments, eczema, psoriasis of young or old, skin irrita-

tions, skin afflictions including those of long standing, pimples, itch, running sores, and similar eruptions, scalp disorders and dandruff, and rash.

On July 18, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22667. Misbranding of Gray's Ointment. U. S. v. 72 Packages of Gray's Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32587. Sample no. 65256-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 27, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 packages of Gray's Ointment at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about February 1, 1934, by W. F. Gray & Co., from Nashville, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of lead oxide (27 percent) and linseed oil incorporated in an ointment base.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent: (Wrapper and circular) "For Boils and Sores of All Kinds"; (circular) "Aids materially in the relief of Boils, carbuncles, felons * * * Lacerations * * * Spider * * * Bites, Neuralgic Pains in the side or chest, * * * Stiff Cords, Sore Muscles * * * It is also very helpful in the treatment of * * * cracked Heel, Splint, Wind Galls, * * * on the back or shoulders of horses. * * * The plaster should be large enough to cover both the wound and the entire inflammation around it."

On August 14, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22668. Misbranding of Pioneer Crystals. U. S. v. 92 Boxes of Pioneer Mineral Water Crystals. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32613. Sample no. 65841-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 28, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 92 boxes of Pioneer Crystals at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about November 7, 1933, by Ponce De Leon, from Mineral Wells, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pioneer Crystals * * * Pioneer Crystals Co., Mineral Wells, Texas."

Analysis of a sample of the article by this Department showed that it consisted essentially of anhydrous sodium sulphate (99.1 percent) and a small proportion of sodium chloride.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: (Sticker) "Where America Drinks Its Way To Health"; (circular) "Cleaning the bowels and increasing the action of the kidneys * * * It neutralizes abnormal acidity and increases the alkalinity of the blood which must be alkaline for normal health. * * * needed for bone and teeth repair, for the tonicity of the heart and other muscles for coagulation of the blood, and for the stability of the nervous system. * * * for the bowels and kidneys. * * * making it better for Bright's disease, high blood pressure and acid indigestion. * * * recommended by medical authorities for many chronic diseases like rheumatism, * * * liver, stomach, intestinal troubles, arthritis, neuritis,

and other ills resulting from faulty elimination * * * One to two teaspoonsful in glass of hot water flavored with fruit juices if preferred, should be taken before breakfast and repeated at eleven o'clock, if no effect has been obtained. Cases with acute pain, colic, fever, and nausea, who are constipated at the same time, should not take any laxative until they have consulted a competent physician. * * * Use daily until elimination becomes regular. Auto-Intoxication. * * * to keep system free of poisons until the cold clears up. Bad Complexion. * * * continue taking Pioneer Crystals each morning until complexion clears. Kidney trouble. Add two teaspoonsful to a gallon of warm water and drink 8 to 12 glasses per day. Add or decrease mineral content according to reaction on kidneys and bowels. * * * this health giving water."

On July 9, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22669. Misbranding of Dieto. U. S. v. 19 Jars of Dieto. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32658. Sample no. 67560-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On May 1, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 jars of Dieto at Jersey City, N. J., alleging that the article had been shipped in interstate commerce, on a date subsequent to January 1, 1934, by the Kent Drug Co., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of partly dehydrated Epsom salt, potassium sulphate, and sodium chloride.

It was alleged in the libel that the article was misbranded in that an accompanying circular contained false and fraudulent claims regarding its effectiveness in reducing overweight, in maintaining youth, and in preventing diseases of various kinds induced by overweight.

On July 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22670. Misbranding of Dr. Clifton's Brazilian Oil and Dr. Clifton's Brazilian Herb Tablets. U. S. v. 3 Bottles of Dr. Clifton's Brazilian Oil, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32663, 32664. Sample nos. 65769-A. 65770-A.)

Examination of the drug preparations involved in these cases showed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On May 5, 1934, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 3 bottles of Dr. Clifton's Brazilian Oil and 31 packages of Dr. Clifton's Brazilian Herb Tablets at Ottumwa, Iowa, alleging that the articles had been shipped in interstate commerce, the former on or about January 18, 1934, and the latter on or about March 24, 1934, by the Clifton Drug Co., from Girard, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Brazilian Oil consisted essentially of nitrobenzene and extract of red pepper dissolved in gasoline, and that the Brazilian Herb Tablets consisted essentially of ground plant drugs, such as aloe, cascara sagrada, uva ursi, damiana, and a pungent drug.

It was alleged in the libels that the articles were misbranded in that the labels of the Brazilian Oil contained false and fraudulent claims relative to its effectiveness in the treatment of toothache, rheumatism, stiff joints, lame back, contracted cords, sore throat, earache, deafness, sore muscles, enlarged glands of the neck, swollen limbs, aches and pains; and that the labels of the

Brazilian Herb Tablets contained false and fraudulent claims relative to their effectiveness in the treatment of stomach troubles, intestinal catarrh, indigestion, kidney and bowel disorders, diseases of the stomach and kidneys, dyspepsia, and painful joints.

On September 19, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22671. Misbranding of hydrogen peroxide. U. S. v. 29 Dozen Bottles of Hydrogen Peroxide. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32717. Sample nos. 58139-A, 68379-A.)

Sample bottles of hydrogen peroxide taken from the shipment involved in this case were found to contain less than 4 ounces, the labeled volume.

On May 17, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 dozen bottles of hydrogen peroxide at Holyoke, Mass., alleging that the article had been shipped in interstate commerce, on or about July 18, 1933, by the Red Line Products Co., Inc., from Memphis, Tenn., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Genuine St. Joseph's Hydrogen Peroxide * * * Contents 4 Fluid Ozs. * * * St. Joseph's Laboratories, New York, Memphis."

It was alleged in the libel that the article was misbranded in that the statement on the bottle label, "4 Fluid Ozs.," was false and misleading.

On July 10, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22672. Adulteration and misbranding of whisky. U. S. v. 49 Cases and 21 Pint Bottles of Whisky. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32731. Sample no. 41449-A.)

This case involved a product, labeled "Whiskey", which failed to conform to the requirements of the United States Pharmacopoeia. The package failed to bear on its label a statement of the percentage by volume of alcohol in the article, and the label bore unwarranted claims regarding its medicinal properties.

On May 23, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases and 21 pint bottles of whisky at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about May 10, 1934, by the Colonial Warehouses, Inc., from Minneapolis, Minn., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Mattingly & Moore Whiskey A Blend Frankfort Distilleries, Incorporated, Louisville, Ky., Baltimore, Md. * * * For Medicinal Purposes, * * * Spiritus Frumenti * * * Rx."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statements on the labeling, (bottle) "For Medicinal Purposes" and (carton) "For Medicinal Use Rx.," were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article, and for the further reason that the following statements appearing in the labeling, were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Bottle and carton) "Medicinal Properties of Whiskey. An easily combustible energy providing nutrient where the powers of assimilation are unable to utilize ordinary foods. Beneficial to weakly persons more especially in the extremes of life. Sudorific power resulting from its relaxation of peripheral circulation has given spiritus frumenti high favor among the profession in both the

prevention and treatment of minor infections resulting from exposure such as corysa, rhinitis, bronchitis, influenza and other nasal, laryngeal, bronchial and lobar affections."

On July 3, 1934, the Walgreen Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22673. Adulteration and misbranding of whisky. U. S. v. 41 Cases of Whisky. Product released under bond to be relabeled. (F. & D. no. 32676. Sample no. 72054-A.)

This case involved a product, labeled "Whiskey", which failed to conform to the requirements of the United States Pharmacopoeia, which failed to bear on its label a statement of the percentage by volume of alcohol, and which was labeled to convey a misleading impression of superiority.

On May 4, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 cases of whisky at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about November 28, 1933, by the Penn-Maryland Corporation, from Peoria, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Green River Whiskey—A Blend."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, or purity as determined by the tests laid down in the said pharmacopoeia, and its own standard of strength, quality, or purity was not stated on the label.

Misbranding was alleged for the reason that the statements on the bottle labels, (main label) "The Whiskey blend without a headache" and (secondary label) "All Government regulations have been complied with in the manufacture and bottling of this whiskey", were false and misleading. Misbranding was alleged for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article.

On August 6, 1934, the Penn-Maryland Co., Inc., claimant, having admitted the allegations of the libel and having consented to the condemnation and forfeiture of the product, judgment was entered ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22674. Misbranding of Bon Vino Health Restorer. U. S. v. 489 Bottles of Bon Vino Health Restorer. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32678. Sample nos. 67551-A, 67558-A.)

Examination of the drug preparation involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The bottle label bore no declaration of alcohol and the declaration on the carton was incorrect. The article purported to be wine, whereas it was not wine, and was labeled to convey the impression that it was made at Chenstohow, Poland, whereas it was manufactured in Buffalo, N. Y.

On May 3, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 489 bottles of Bon Vino Health Restorer at Newark, N. J., alleging that the article had been shipped in interstate commerce, on or about August 31, 1933, by Leo M. Abeles, from Buffalo, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Bon Vino Health Restorer * * * Bon Vino Products, Inc., Buffalo, N. Y. Manufactured by Chenstohow Medical Laboratories, Inc." Some of the packages were further labeled, "Wine of Chenstohow" and "Wine Czestochowskie."

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs including a laxative drug, alcohol, and water, flavored with mint. The alcohol content of two samples was found to be 19.5 and 20.7 percent, respectively, by volume.

It was alleged in the libel that the article was misbranded in that the statement on the carton label, "Alcohol about 16%", was false and misleading, since the article contained approximately 20 percent by volume of alcohol. Misbranding was alleged for the further reason that the name of the article, "Bon Vino", was false and misleading, since it did not consist of wine; in that the statements on some of the carton labels, "Wine of Chenstohow" and "Wino Czestochowskie", were false and misleading, since the product was not made in Chenstohow, Poland, but was manufactured in Buffalo, N. Y.; and for the further reason that the package failed to bear upon its label a statement of the quantity or proportion of alcohol contained in the article, since no statement appeared on the bottle label, and the statement on the carton label, "Alcohol about 16%", was incorrect. Misbranding was alleged for the further reason that the following statements, appearing in the labeling, were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: (All cartons) "Health Restorer"; (some cartons) "Wine of Chenstohow is helpful for indigestion * * * and regulates the bowels; * * * which is the principle of health"; (bottle label) "Health Restorer An ideal combination of well aged Wine and juices of scientifically selected health giving herbs. * * * Bon Vino Health Restorer aids digestion, * * * regulates the bowels, * * * which is the great principle of health"; (circular) "Better Health Means More Happiness * * * Health Restorer * * * Build up your constitution so that it may defend itself against the ravages of sickness and disease, in order to enjoy life properly. Bon Vino Health Restorer is the ideal combination of well aged Wine and Health Giving Herbs— * * * If you are one of the many unfortunate sufferers * * * there's real help awaiting you in this bottle of Bon Vino Health Restorer. The use of Bon Vino Health Restorer will soon overcome that sleepy, weak and lazy feeling. Its invigorating effect will return your energy and it will help restore your health to its normal state. Bon Vino Health Restorer * * * Its continued use will assist in bringing you good health, and the happiness which results from a healthy condition of the organs of digestion and elimination. * * * Bon Vino Health Restorer * * * Get Rid of the Poisons in your System to Build up Your Body. Your Physician can tell you that few men, women and children are entirely free from constipation. Constipation produces inactivity of the bowels and interferes with the proper blood supply thus delaying elimination of intestinal waste matter which causes a reabsorption of poisons into the body. Your bowels should eliminate at least once a day. Two or three eliminations are more natural and healthful. Use Bon Vino Health Restorer to get rid of the toxins and poisons which interfere with the function of the liver and bowels. After the poisons are cleared away by this gentle means * * *"

On July 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22675. Misbranding of No. 7-A. U. S. v. 142 Packages of No. 7-A. Default decree of destruction. (F. & D. no. 33036. Sample no. 72281-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On July 3, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district-court a libel praying seizure and condemnation of 142 packages of No. 7-A at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce, on or about May 23, 1934, by the Fort Dodge Laboratories, Inc., from Fort Dodge, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of copper sulphate and iron sulphate.

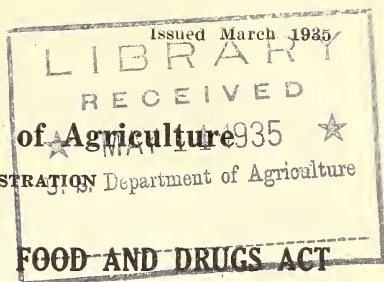
It was alleged in the libel that the article was misbranded in that the following statements on the label, regarding its curative or therapeutic effects, were false and fraudulent: "It may be used in connection with treatment for Fowl Cholera, Fowl Typhoid and similar conditions."

On August 25, 1934, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION, Department of Agriculture

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

22676-22875

[Approved by the Acting Secretary of Agriculture, Washington, D. C., February 6, 1935]

22676. Adulteration of butter. U. S. v. 25 Cubes of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28685. Sample no. 299-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat. The product was also filthy and decomposed.

On July 30, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cubes of butter at San Francisco, Calif. On August 12, 1932, an amended libel was filed. It was alleged in the amended libel that the article had been shipped in interstate commerce, on or about July 23, 1932, by the Commercial Creamery Co., of Spokane, Wash., from Portland, Oreg., and that it was adulterated in violation of the Food and Drugs Act.

The amended libel charged that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923; and in that it consisted in part of a filthy, decomposed, or putrid animal substance.

On September 27, 1934, the case having been called and the default of all persons having been entered, the product was condemned and forfeited and ordered destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22677. Misbranding of vanilla extract. U. S. v. Leonard D. Darnell (Valo Products Co.). Plea of guilty. Fine, \$10. (F. & D. no. 29480. I. S. no. 31664.)

This case was based on a shipment of a product which was represented to be pure vanilla extract, but which consisted of a hydroalcoholic solution of vanillin, artificially colored with caramel and containing little or no true vanilla. The article also was deficient in alcohol.

On November 11, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Leonard D. Darnell, a member of a firm trading as the Valo Products Co., Kansas City, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about September 22, 1931, from the State of Missouri into the State of New Mexico, of a quantity of vanilla extract which was misbranded. The article was labeled in part: "Pure Vanilla Extract * * * Alcohol not over 50% * * * Distributed by Valo Products Co. Kansas City, Mo."

It was alleged in the information that the article was misbranded in that the statement "Pure Vanilla Extract", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not pure vanilla extract, but was an artificially colored imitation of vanilla extract. Misbranding was alleged for the further reason that the article was an imitation of another article, namely, vanilla extract, and was offered for sale under the distinctive name of another article, vanilla extract. Misbranding was alleged for the further reason that the statement on the label, "Alcohol not over 50%", was misleading in that it

represented that the article contained approximately 50 percent of alcohol, whereas it contained not more than 37 percent of alcohol.

On September 7, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

22678. Adulteration of canned tuna. U. S. v. Van Camp Sea Food Co., Inc. Plea of guilty. Fine, \$25. (F. & D. no. 29530. I. S. no. 43155.)

This case was based on an interstate shipment of canned tuna which was found to be in part tainted or stale.

On March 28, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Van Camp Sea Food Co., Inc., a corporation, Los Angeles, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 4, 1932, from the State of California into the State of Pennsylvania, of a quantity of canned tuna which was adulterated. The article was labeled in part: "Chicken of the Sea Brand Fancy Tuna * * * Packed By Van Camp Sea Food Company, Inc., Main Office Terminal Island, Los Angeles Harbor, Cal."

It was alleged in the information that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On July 23, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22679. Adulteration of canned tuna. U. S. v. Halfhill Packing Corporation, Ltd., and Harry J. Halfhill. Pleas of guilty. Fine, \$25. (F. & D. no. 30136. I. S. no. 43163.)

This case was based on a shipment of canned tuna which was in part decomposed.

On September 29, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Halfhill Packing Corporation, Ltd., a corporation, and Harry J. Halfhill, of Los Angeles, Calif., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about February 19, 1932, from the State of California into the State of Pennsylvania, of a quantity of canned tuna which was adulterated. The article was labeled in part: "Kellogg's Brand Supreme Quality White Meat Tuna Fish * * * H. Kellogg & Sons, Distributors, Philadelphia."

It was alleged in the information that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On September 7, 1934, the defendant Harry J. Halfhill entered a plea of guilty for himself and on behalf of the defendant company, and the court imposed a joint fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22680. Adulteration of canned shrimp. U. S. v. 63 Cases, et al., of Canned Shrimp. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30702, 30738, 30763. Sample nos. 25936-A, 37419-A, 37422-A.)

These cases involved shipments of canned shrimp which were found to be in part decomposed.

On July 8, 14, and 22, 1933, the United States attorney for the Eastern District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 245 cases of canned shrimp at Spokane, Wash., alleging that the article had been shipped in interstate commerce, in part on or about May 11, 1933, and in part on or about May 15, 1933, by Kuluz Bros. Packing Co., Inc., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Sea Horse Brand Shrimp * * * Kuluz Bros. Packing Co., Inc., Biloxi, Miss." The remainder was labeled in part: "High Tide Dry Pack Shrimp."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

On June 12, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22681. Adulteration of evaporated apple chops. U. S. v. 579 Sacks of Evaporated Apple Chops. Consent decree of condemnation. Product released under bond for use in the manufacture of distilled liquor. (F. & D. no. 31057. Sample no. 49527-A.)

This case involved a shipment of apple chops that contained excessive arsenic and lead.

On September 7, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 579 sacks of evaporated apple chops at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about August 15, 1933, by the K. & H. Evaporating Co., from North Mountain, W. Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On July 3, 1934, the K. & H. Evaporating Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered condemning the product for the manufacture into food products, but ordering that it might be released to the claimant to be manufactured into distilled liquor, under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22682. Adulteration of canned shrimp. U. S. v. 250 Cartons of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31115. Sample nos. 46850-A, 46851-A.)

This case involved canned shrimp which was in part decomposed.

On September 20, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 250 cartons of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about August 27, 1933, by the De Jean Packing Co., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On September 27, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22683. Adulteration of canned salmon. U. S. v. 55 Cases of Canned Salmon. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 31251. Sample no. 55792-A.)

This case involved canned shrimp which was in part decomposed.

On October 19, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55 cases of canned salmon at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about May 29, 1933, by the Arthur Anderson Fish Co. and Salmon Exchange, from Astoria, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue Seal Brand Chinook Salmon * * * Distributed by Arthur Anderson Fish Co., Astoria, Ore."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On July 12, 1934, the intervenor having withdrawn its claim and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22684. Adulteration of canned shrimp. U. S. v. 43 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31294. Sample no. 59318-A.)

This case involved a shipment of canned shrimp which was in part decomposed.

On November 2, 1933, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 cases of canned shrimp at Fort Wayne, Ind., alleging that the article had been shipped in interstate commerce, on or about August 18, 1933, by the Biloxi Canning & Packing Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Little Elf Brand Shrimp."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On July 21, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22685. Adulteration and misbranding of butter. U. S. v. Kyle Creamery Association. Plea of guilty. Fine, \$25. (F. & D. no. 31313. Sample no. 35179-A.)

This case was based on a shipment of butter that contained less than 80 percent by weight of milk fat.

On May 10, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kyle Creamery Association, a corporation, Aurora, Ind., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 4, 1933, from the State of Indiana into the State of Ohio, of a quantity of butter which was adulterated and misbranded.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the wrapper, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not butter as defined by law, in that it contained less than 80 percent by weight of milk fat.

On September 29, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22686. Misbranding of cottonseed meal and cottonseed screenings. U. S. v. Terminal Oil Mill Co. Plea of guilty. Fine, \$20. (F. & D. no. 31329. Sample nos. 19813-A, 19814-A.)

This case was based on interstate shipments of cottonseed meal and screenings that contained less protein and more crude fiber than declared on the label.

On December 14, 1933, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Terminal Oil Mill Co., a corporation, Oklahoma City, Okla., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 2 and September 8, 1932, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed meal and cottonseed screenings which were misbranded. Both shipments were tagged: "K. C. Brand Cake and Meal * * * Guaranteed Analysis Protein, not less than 43%, * * * Crude Fiber, not more than 12% * * * Manufactured for Kansas City Cake & Meal Co. * * * Kansas City, Mo." One shipment bore a second tag reading in part: "TomCo Prime Cottonseed Cake or Meal Guaranteed Analysis Protein, not less than 43 percent, * * * Crude Fibre, not more than 12 percent * * * Manufactured by Terminal Oil Mill Co. Oklahoma City, Oklahoma."

It was alleged in the information that the articles were misbranded in that the statements, "Guaranteed Analysis Protein, not less than 43%" and "Crude Fiber, not more than 12%", borne on the tags, were false and misleading, and

for the further reason that they were labeled so as to deceive and mislead the purchaser, since they contained less than 43 percent of protein and more than 12 percent of crude fiber.

On June 19, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$20.

M. L. WILSON, *Acting Secretary of Agriculture.*

22687. Adulteration of apples. U. S. v. Skookum Packers Association. Plea of nolo contendere. Fine, \$10. (F. & D. no. 31368. Sample no. 18042-A.)

This case was based on a shipment of apples that contained excessive arsenic and lead.

On April 3, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Skookum Packers Association, a corporation, Wenatchee, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 8, 1932, from the State of Washington into the State of Montana, of a quantity of apples which were adulterated. The article was labeled in part: "Fancy Spitzenberg * * * Skookum Mountain Goat Brand Wenatchee Apples Skookum Packers Association, Wenatchee, Washington."

It was alleged in the information that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On September 4, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

22688. Alleged adulteration of apples. U. S. v. Lawrence McGee Riggs. Tried to the court. Judgment of not guilty. (F. & D. no. 31385. Sample no. 25314-A.)

On May 3, 1934, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Lawrence McGee Riggs, Springdale, Ark., alleging that on or about September 28, 1932, the defendant had sold and delivered at Springdale, Ark., under a guaranty that they were not adulterated in violation of the Food and Drugs Act, a number of baskets of apples; that the apples in the identical condition in which they had been so sold and delivered were transported in interstate commerce, into the State of Texas; and that they were adulterated in violation of the said act.

It was alleged in the information that the apples were adulterated in that they contained added poisonous and deleterious substances, arsenic and lead, which might have rendered them injurious to health.

On June 12, 1934, a jury trial having been waived, the defendant was tried to the court and was found not guilty.

M. L. WILSON, *Acting Secretary of Agriculture.*

22689. Adulteration of tomato catsup. U. S. v. Francis H. Leggett & Co. Plea of guilty. Fine, \$50. (F. & D. no. 31406. Sample no. 8027-A.)

This case was based on an interstate shipment of tomato catsup which contained excessive mold.

On May 11, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Francis H. Leggett & Co., a corporation, Landisville, N. J., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 1, 1932, from the State of New Jersey into the State of New York, of a quantity of tomato catsup which was adulterated. The article was labeled in part: "Unicorn * * * Tomato Catsup * * * Francis H. Leggett & Co. Distributors, New York."

It was alleged in the libel that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable substance.

On July 2, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22690. Adulteration and misbranding of prepared mustard and misbranding of black pepper and cider vinegar. U. S. v. Abraham Brodsky and Owl Brand Products Co. Pleas of guilty. Fines, \$26. (F. & D. no. 31443. Sample nos. 20448-A, 20449-A, 20450-A.)

The products in this case consisted of prepared mustard that was adulterated with added mustard bran, and misbranded because of failure to bear a proper declaration of the quantity of the contents; black pepper that bore no declaration of the quantity of the contents; and of cider vinegar that was misbranded because of the presence of added water and failure to bear a proper declaration of the quantity of the contents.

On March 13, 1934, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Abraham Brodsky and Owl Brand Products Co., a corporation, Wilmington, Del., alleging shipment by said defendants, in violation of the Food and Drugs Act as amended, on or about October 31, 1932, from the State of Delaware into the State of New Jersey, of quantities of prepared mustard which was adulterated and black pepper and cider vinegar which were misbranded. The articles were labeled in part: "Prepared Mustard Packed By A. Brodsky * * * Wilmington, Del."; "Owl Brand Black Pepper"; "Owl Brand Pure Cider Vinegar Packed by Abraham Brodsky * * * Wilmington, Del."

The information charged that the prepared mustard was adulterated in that mustard bran had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for prepared mustard which the article purported to be.

Misbranding of the prepared mustard was alleged for the reason that the statement on the label, "Prepared Mustard", was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not prepared mustard in that it contained more crude fiber than prepared mustard contains. Misbranding of the prepared mustard was alleged for the further reason that it was offered for sale under the distinctive name of another article, and was an imitation of another article, namely, prepared mustard. Misbranding was alleged with respect to all products for the reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since in the case of the prepared mustard the statements were made as "Contents 16 oz." and "Contents 32 oz."; whereas regulations of this Department provide that the quantity of the contents when stated by weight shall be marked in terms of the largest unit in the package, namely, in avoirdupois pounds when the article weighs even pounds; in the case of the black pepper the label bore no statement of the quantity of the contents and the article did not come within the exemption for small packages since it contained more than one-half ounce avoirdupois; and in the case of the cider vinegar neither sized bottle bore a declaration of the contents in terms of the largest unit, namely, pint or quart, one of the quart bottles examined was incorrectly marked "16 Fluid Ounces", and one of the pint bottles examined was marked "16 Fluid Ounces", which was incorrect since the bottle contained materially less than 1 pint. Misbranding of the cider vinegar was alleged for the further reason that the designs of apples and the statement "Pure Cider Vinegar", borne on the bottle label, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement and designs represented that the article was pure apple cider vinegar, whereas it contained approximately 40 percent of added water.

On June 16, 1934, pleas of guilty were entered, and the court imposed a fine of \$25 on Abraham Brodsky and a fine of \$1 on the Owl Brand Products Co.

M. L. WILSON, *Acting Secretary of Agriculture.*

22691. Misbranding of candy. U. S. v. Claude S. Allen (McGregor Toffee Co.). Plea of guilty. Sentence suspended. (F. & D. no. 31448. Sample nos. 16369-A, 16370-A, 16598-A, 16599-A.)

Sample packages of candy taken from the shipments involved in this case were found to contain less than 1 pound, the labeled weight.

On June 25, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Claude S. Allen, trading as the McGregor Toffee Co., Brooklyn, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, in various shipments, on or about Novem-

ber 15, December 6, 1932, and January 19, 1933, from the State of New York into the State of Massachusetts, of quantities of candy which was misbranded. The article was labeled in part: "McGregor Toffee Manufactured by McGregor Toffee Company, Brooklyn N. Y. Net weight 1 lb."

It was alleged in the information that the article was misbranded in that the statement "Net Weight 1 Lb.", borne on the packages, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On July 11, 1934, the defendant entered a plea of guilty and the court ordered that sentence be suspended.

M. L. WILSON, *Acting Secretary of Agriculture.*

22692. Misbranding of canned salmon. U. S. v. Libby, McNeill & Libby. Plea of guilty. Fine, \$1,125. (F. & D. no. 31471. Sample nos. 20193-A, 22929-A, 22930-A, 22931-A, 25257-A, 25259-A, 25261-A, 28173-A, 28174-A, 28175-A, 29608-A, 36040-A.)

This case was based on various lots of canned salmon labeled "Fancy Red Alaska Salmon." Examination of the article showed that it consisted of low-grade salmon, some of the lots being in part tainted or stale.

On May 12, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Libby, McNeill & Libby, a corporation trading at San Francisco, Calif., alleging that on or about September 9, 1932, the said defendant had received at San Francisco, Calif., various interstate shipments of canned salmon from Seattle, Wash., which was misbranded in violation of the Food and Drugs Act, and that having so received the said product had delivered it to various firms in California for pay. The information further alleged that on or about September 9, 1932, the defendant had shipped in interstate commerce from Seattle, Wash., into the State of California, and on or about January 5 and March 6, 1933, from the State of California into the State of New Mexico; and on or about February 17, 1933, from the State of California into the State of Arizona, various lots of canned salmon which was misbranded. The article was labeled in part: "Libby's Fancy Red Alaska Salmon, Libby McNeill & Libby, Chicago."

The information alleged that the article was misbranded in that the statement "Fancy Red Alaska Salmon", borne on the label, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statement represented that the article was Fancy, first-class grade and quality salmon, whereas it was not, certain of the lots consisting largely of very low-grade salmon and in part of stale salmon, and certain of the lots consisting in part of stale, tainted, decomposed, and low-grade salmon.

On July 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$1,125.

M. L. WILSON, *Acting Secretary of Agriculture.*

22693. Adulteration of tomato catsup and misbranding of canned cherries. U. S. v. Perry Canning Co. Plea of guilty. Fine, \$26. (F. & D. no. 31475. Sample nos. 28114-A, 28115-A.)

This case was based on a shipment of tomato catsup which contained excessive mold, and of a shipment of canned pitted cherries which fell below the standard established by the Secretary of Agriculture, because of the presence of excessive pits, and which were not labeled to indicate that they were sub-standard.

On April 4, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Perry Canning Co., a corporation, Perry, Utah, alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about August 22, 1932, from the State of Utah into the State of Texas, of a quantity of tomato catsup which was adulterated, and a quantity of canned cherries which were misbranded. The articles were labeled in part: "Golden 'Q' Brand Quality Water-Packed Red Sour Pitted Cherries, Perry Canning Co.", "Mountain Made Brand Standard Catsup, Packed By Perry Canning Co. Perry, Utah."

It was alleged in the information that the catsup was adulterated in that it consisted in whole and in part of a decomposed vegetable substance.

Misbranding of the canned cherries was alleged for the reason that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by regulations of this Department, indicating that it fell below such standard. Misbranding was alleged for the further reason that the statement "Pitted Cherries", borne on the can label, was false and misleading, since the said statement represented that the article consisted wholly of pitted cherries; whereas it consisted in part of unpitted cherries.

On June 1, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$26.

M. L. WILSON, *Acting Secretary of Agriculture.*

22694. Adulteration and misbranding of butter. U. S. v. Sugar Creek Creamery Co. Plea of guilty. Fine, \$800 and costs. (F. & D. no. 31477. Sample nos. 30333-A, 40080-A.)

This case was based on two shipments of butter, one of which contained less than 80 percent by weight of milk fat, and the other of which was short weight.

On March 30, 1934, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sugar Creek Creamery Co., a corporation, trading at Danville, Ill., alleging shipment by said company on or about April 17, 1933, from the State of Illinois into the District of Columbia, and on or about April 18, 1933, from the State of Illinois into the State of New York, of quantities of butter which was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Sugar Creek Butter * * * Full Weight One Pound General Offices Danville, Ills."; (wrapper of portion) "One Pound Net Weight."

It was alleged in the information that one of the shipments of butter was adulterated in that a substance containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding of the butter in the said shipment was alleged for the reason that the statement "Butter", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not butter as defined and required by law, in that it contained less than 80 percent by weight of milk fat. Misbranding of the remaining shipment was alleged for the reason that the statements "Full Weight One Pound", borne on the carton, and the statement "One Pound Net Weight", borne on the wrapper, were false and misleading, since the said cartons and wrappers contained less than 1 pound of butter. Misbranding of this lot was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect, some of the packages containing not more than 15.41 ounces, and the average net weight for a large number of packages examined being not more than 15.78 ounces.

On June 25, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$800 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22695. Misbranding of peaches. U. S. v. William Ogden Britt (Britt & Son). Plea of guilty. Fine, \$50. (F. & D. no. 31507. Sample no. 39787-A.)

This case was based on a shipment of peaches which contained an excessive number of peaches below the minimum size declared on the label.

On May 10, 1934, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William Ogden Britt, trading as Britt & Son, Thomaston, Ga., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 17, 1933, from the State of Georgia into the State of Massachusetts, of a quantity of peaches which were misbranded. A number of baskets of the article were labeled, "Early Rose 1 3/4 In. Min."; and the remainder were labeled, "Early Rose 1 5/8 In. Min."

It was alleged in the information that the article was misbranded in that the statements, "1 3/4 In. Min." and "1 5/8 In. Min.", borne on the labels, were

false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the baskets labeled "1- $\frac{3}{4}$ In. Min." contained peaches of less than 1 $\frac{3}{4}$ inches minimum, and the baskets labeled, "1 $\frac{1}{8}$ In. Min." contained peaches of less than 1 $\frac{1}{8}$ inches minimum.

On June 26, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22696. Adulteration and misbranding of butter. U. S. v. North American Creameries, Inc. Plea of nolo contendere. Fine, \$200. (F. & D. no. 31508. Sample no. 34523-A.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On May 24, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the North American Creameries, Inc., a corporation, trading at Paynesville, Minn., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 5, 1933, from the State of Minnesota into the State of Massachusetts, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Silverbrook A. & P. Butter * * * Packed for Or By New England Butter Whse. Springfield, Massachusetts."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement on the label, "Butter", was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that it was butter, a product which should contain not less than 80 percent by weight of milk fat, whereas it was not butter, in that it contained less than 80 percent by weight of milk fat.

On June 25, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

22697. Adulteration of strawberry preserves. U. S. v. Pacific Manufacturing Co., Inc. Plea of guilty. Fine, \$250 and costs. (F. & D. no. 31514. Sample no. 22951-A.)

This case was based on a shipment of strawberry preserves which had been made from berries which were in part moldy.

On May 19, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information (amended June 5, 1934), against the Pacific Manufacturing Co., Inc., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 14, 1933, from the State of Washington into the State of California, of a quantity of strawberry preserves which were adulterated. The article was labeled in part: "Sun Blest * * * Strawberry Preserves * * * Jacobson Shealy Co., Inc. San Francisco, Calif."

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On June 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$250 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22698. Adulteration of canned salmon. U. S. v. 420 Cartons, et al., of Canned Salmon. Consent decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31534, 31535, 31543, 31580. Sample nos. 55797-A, 55798-A, 55799-A, 64126-A.)

These cases involved various lots of canned salmon that was in part decomposed.

On November 3, November 7, and November 14, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 550 cartons or cases of canned salmon at Chicago, Ill., alleging that the article

had been shipped in interstate commerce, on or about May 29, 1933, by the Salmon Exchange, Inc., from Astoria, Oreg., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Oceanic Brand Columbia River Spring Chinook Salmon * * * Packed By Union Fishermens Coop. Pkg. Co., Astoria, Ore." The remainder was labeled in part: "Blue Seal Brand Chinook Salmon."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

On July 12, 1934, the intervenor having withdrawn its claim for the property and having consented to the entry of a decree, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22699. Adulteration and misbranding of linseed meal. U. S. v. 200 Sacks of Linseed Meal. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 31655. Sample no. 50457-A.)

This case involved a shipment of linseed meal which contained ground mustard seed in sufficient amount to make it unfit for animal feeding.

On November 28, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 sacks of linseed meal at Hamilton, Ohio, consigned by the Iowa Milling Co., alleging that the article had been shipped in interstate commerce, on or about October 26, 1933, from Cedar Rapids, Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Old Process Linseed Meal with Cooked Oil Feed Screenings Superior Linseed Works, Cedar Rapids, Iowa."

It was alleged in the libel that the article was adulterated in that ground mustard seed had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted in part for the article.

Misbranding was alleged for the reason that the statement on the label, "Old Process Linseed Meal with Cooked Oilfeed Screenings", was false and misleading and deceived and misled the purchaser when applied to a product containing ground mustard seed. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 15, 1934, the sole intervenor having withdrawn its claim and answer and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22700. Adulteration of apple chops. U. S. v. 1,000 Bags, et al., of Apple Chops. Consent decree of condemnation and forfeiture. Product released under bond to be cleaned. (F. & D. nos. 31702, 31707, 31719. Sample nos. 61654-A, 61655-A, 61657-A.)

These cases involved shipments of apple chops which were found to be insect-infested, decomposed, and dirty.

On December 9, 11, and 13, 1933, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 4,600 bags of apple chops at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce in various shipments on or about September 11, October 14, and November 24, 1933, by the Royal Evaporating Co., from Front Royal, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of filthy and decomposed vegetable substances.

On July 24, 1934, the Royal Evaporating Co., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$1,500, conditioned that it be disposed of in compliance with the law. On August 7, 1934, the product having been washed and inspected by this Department and found to be satisfactory, the bonds were canceled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22701. Adulteration of olives. U. S. v. 30 Cases of Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31722. Sample no. 66002-A.)

This case involved a shipment of olives which were in part wormy.

On December 14, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of olives at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about November 13, 1933, by Max Block & Co., Inc., from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Salome Brand Selected Olives * * * Max Block & Co., Inc., Distributors New York."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On July 20, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22702. Adulteration of canned sardines. U. S. v. 100 Cases of Canned Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31746. Sample no. 59125-A.)

This case involved a shipment of canned sardines which were in part decomposed.

On December 18, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of canned sardines at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about October 5, 1933, by the Wass & Stinson Canning Co., of Prospect Harbor, Maine, from Waukeag, Maine, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Beach Cliff Brand Maine Sardines * * * Packed by Wass & Stinson Canning Co. Prospect Harbor, Maine."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On July 6, 1934, no claim or answer having been filed, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22703. Adulteration of olives. U. S. v. 60 Cases of Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31766. Sample no. 52119-A.)

This case involved a shipment of olives that were in part wormy.

On December 22, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 cases of olives at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about September 13, 1933, by John Magee & Co., Inc., from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Selected Olives Packed by John Magee & Co., Inc., New York."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On July 20, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22704. Misbranding of canned salmon. U. S. v. 239 Cases of Canned Salmon. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 31776. Sample no. 62669-A.)

This case involved a product represented to be Fancy red salmon. Examination showed that it consisted of a poor grade of coho salmon, and that in many cans it had no natural red color, and in some cans very little or no oil.

On December 26, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 239 cases of canned salmon at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce, on or about October 20, 1933, by McGovern & McGovern, from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Blossom Time Brand Natural Red Color Fancy Cutlet Salmon Packed in its Natural Oil * * * Distributed by McGovern & McGovern, Seattle, Wash."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Natural Red Color Fancy Cutlet Salmon", was false and misleading, and deceived and misled the purchaser, since it created the impression that the article was Fancy grade red salmon, whereas it was low-grade coho salmon.

On June 4, 1934, McGovern & McGovern, having appeared as claimant for the property, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22705. Adulteration and misbranding of tomato puree. U. S. v. 488 Cases and 516 Cartons of Tomato Puree. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31866, 31941. Sample nos. 37369-A, 54743-A, 54977-A, 60621-A, 60518-A.)

These cases involved two lots of tomato puree, one of which contained excessive mold, insect larvae, and segments of the bodies of insects, and the other of which contained insect larvae, flies, beetles, and other extraneous matter. The latter lot was invoiced as tomato paste, whereas it contained insufficient tomato solids to be classed as tomato paste.

On January 23 and February 6, 1934, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 488 cases and 516 cartons of tomato paste at Seattle, Wash., alleging that the article had been shipped on or about September 28 and October 11, 1933, by the Harbor City Food Corporation, of Harbor City, Calif., from Wilmington, Calif., and charging adulteration of one lot and adulteration and misbranding of the other lot in violation of the Food and Drugs Act. One lot was invoiced as "Tomato Paste."

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

Misbranding of one lot was alleged for the reason that it was offered for sale under the distinctive name of another article.

On June 14, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22706. Misbranding of candy. U. S. v. 48 Boxes of Candy, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31884. Sample nos. 60527-A to 60531-A, incl.)

This case involved shipments of candy bars which were not labeled with a plain and conspicuous declaration of the quantity of the contents.

In three of the lots which were found to weigh 1.91 ounces, 3.08 ounces and 3.36 ounces, respectively, the weight declared was one-half ounce which was such a gross understatement as to be no statement at all; the weight of a fourth lot was materially understated, and the statement on a fifth lot, although approximately correct, was placed on a part of the wrapper where it would be invisible until the bar was unwrapped. In two of the lots labeled, " $\frac{1}{2}$ oz.", the statement was also invisible until the bar was unwrapped.

On January 27, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 388 boxes of candy bars at Seattle, Wash., alleging that the articles had been shipped in interstate commerce, between the dates of April 10, 1933, and December 8, 1933, by Mars, Inc., from Galewood, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled, variously: "Double

Mars Toasted Almond Slice Net Weight 2- $\frac{1}{4}$ Oz."; "Double Milky Way Net Weight 2- $\frac{1}{2}$ Oz."; "The Three Musketeers Net Weight $\frac{1}{2}$ Oz."; "Mars Almonets Net Weight $\frac{1}{2}$ Oz."; "Double Mars Chocolate Cream Caramel Slice Net Weight $\frac{1}{2}$ Oz."

It was alleged in the libel that the articles were misbranded in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 6, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22707. Adulteration of canned shrimp. U. S. v. 238 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31927. Sample no. 59654-A.)

This case involved a shipment of canned shrimp which was in part decomposed.

On February 2, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 238 cases of canned shrimp at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about October 17, 1933, by the Montegut Packing Co., Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On July 18, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22708. Adulteration and misbranding of coffee. U. S. v. Twenty 50-Pound Bags, et al., of Coffee. Default decrees of condemnation. Product delivered to charitable organizations. (F. & D. nos. 31949, 31950. Sample nos. 61010-A, 61013-A.)

These cases involved shipments of coffee which was adulterated with coffee chaff.

On February 6, 1934, the United States attorney for the Eastern District of Kentucky filed a libel against twenty 50-pound bags and twelve 25-pound bags of coffee at Ashland, Ky., which had been consigned by the Ohio Valley Coffee Corporation, January 15, 1934, from Portsmouth, Ohio. On February 8, 1934, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of sixteen 50-pound bags of coffee at Huntington, W. Va., alleging that the article had been shipped in interstate commerce on or about January 15, 1934, by the Ohio Valley Coffee Corporation, from Portsmouth, Ohio. The libels charged that the article was adulterated and misbranded in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a mixture of coffee and pellets, consisting principally of coffee chaff, had been substituted for coffee.

Misbranding was alleged for the reason that the statement on the label, "Coffee", was false and misleading and deceived and misled the purchaser, when applied to a mixture of coffee and coffee chaff in the shape of pellets; and for the further reason that it was offered for sale under the distinctive name of another article.

On June 6 and June 15, 1934, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be delivered to charitable organizations.

M. L. WILSON, *Acting Secretary of Agriculture.*

22709. Adulteration and misbranding of confectionery. U. S. v. 21 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. no. 31980. Sample no. 50541-A.)

This case involved confectionery that contained alcohol. The article was labeled "Not a Confection", whereas it was a confection.

On February 13, 1934, the United States for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court

a libel praying seizure and condemnation of 21 cartons of candy at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce, on or about February 7, 1934, by the New Deal Wholesale Liquor Co., from Forest Park, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cordials Cordial (Not a Confection)."

It was alleged in the libel that the article was adulterated in that it contained spirituous liquor.

Misbranding was alleged for the reason that the statement on the label, "Cordial (not a confection)", was false and misleading and deceived and misled the purchaser.

On June 27, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22710. Misbranding of canned cherries. U. S. v. 351 Cases of Canned Cherries. Decree of condemnation. Product released under bond for relabeling. (F. & D. no. 31998. Sample no. 60436-A.)

This case involved a shipment of canned cherries which contained excessive pits and which were not labeled to indicate that they were substandard. The article was not extra quality as labeled. Sample cans taken from the shipment were found to contain less than 1 pound, the declared weight.

On February 19, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 351 cases of canned cherries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about February 7, 1934, by the Ray-Maling Co., Inc., from Woodburn, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Newmark Brand Special Extra Pitted Red Cherries Net Contents One Lb. Four Ozs."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Special Extra Pitted Red Cherries Net Contents one lb. four ozs.", were false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect. Misbranding was alleged for the further reason that the article was canned food, and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of the presence of excessive pits, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On May 26, 1934, the Ray-Maling Co., Inc., Hillsboro, Oreg., having appeared as claimant for the property and having admitted that the product was substandard and short weight and was not "Special Extra" quality, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant under a bond in the sum of \$800, conditioned that it be relabeled. On June 29, 1934, the product having been relabeled, final decree was entered, ordering the bond exonerated upon payment of costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22711. Misbranding of salad oil. U. S. v. 78 Cans of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32031. Sample no. 67408-A.)

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than 1 gallon, the labeled volume.

On February 26, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 cans of salad oil at Bayonne, N. J., alleging that the article had been shipped in interstate commerce on or about March 16 and April 20, 1933, by the Manhattan Coffee & Sugar Co., from Long Island City, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Contents One Gallon Salco Salad Oil Full Measure * * * Ragus Packing Corporation Long Island City, N. Y."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Contents One Gallon * * * Full Measure", was

false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On July 20, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22712. Adulteration and misbranding of whisky. U. S. v. 20 Cases, et al., of Whisky. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 32040, 32076. Sample nos. 60658-A, 60660-A.)

These cases involved shipments of alleged bourbon whisky that consisted of diluted alcohol obtained by the fermentation of molasses.

On March 1 and March 5, 1934, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 20 cases containing 16-ounce bottles, and 11 cases containing 8-ounce bottles of whisky, at Seattle, Wash., and 209 cases containing 8-ounce bottles of whisky, at Tacoma, Wash., alleging that the article had been shipped in interstate commerce, in various consignments, on or about January 16, January 18, and February 1, 1934, respectively, by the Edward J. Goldie Importation Co., from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "J. R. B. Bourbon Whisky Rectified Bottled by Edward J. Goldie Importation Co., San Francisco, Calif. Contents 16 Ozs. [or "Contents 8 Ozs."] 90 Proof."

It was alleged in the libels that the article was adulterated in that a substance, namely, diluted alcohol obtained by the fermentation of molasses, had been substituted for bourbon whisky.

Misbranding was alleged for the reason that the statement, "Bourbon Whiskey", borne on the bottle label, was false and misleading and intended to deceive and mislead the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article, "Bourbon Whisky." Misbranding of the 16-ounce size, and a portion of the 8-ounce size was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since neither statement was expressed in terms of liquid measure and the statement "16 Ozs." was not expressed in terms of the largest unit in the package.

On April 19 and April 23, 1934, the Edward J. Goldie Importation Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$4,000, conditioned that it be relabeled under the supervision of this Department so that it conform to the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22713. Adulteration and misbranding of whisky. U. S. v. 3 Cases of Whisky. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32043. Sample no. 60659-A.)

This case involved a shipment of alleged whisky that consisted of diluted alcohol obtained by the fermentation of molasses.

On March 2, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3 cases of whisky at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about February 3 and February 6, 1934, by the United Liquor Co., from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Old Frisco Times * * * Whiskey 80 Proof Rectified 16 ounces United Liquor Company * * * Product Bottled by Alpha Distributing Company San Francisco, Cal."

It was alleged in the libel that the article was adulterated in that a substance, diluted alcohol obtained by the fermentation of molasses, had been substituted for whisky.

Misbranding was alleged for the reason that the statement, "Whiskey" on the bottle label, was false and misleading; for the further reason that it was labeled so as to mislead and deceive the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article, "Whiskey."

On April 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22714. Adulteration and misbranding of Scotch whisky. U. S. v. 23 Cases of Scotch Whisky. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32066. Sample no. 47016-A.)

This case involved a shipment of alleged Scotch whisky which consisted of a mixture, made in the United States, of dilute alcohol and a small proportion of Scotch whisky.

On March 7, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cases of alleged Scotch whisky at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about March 1, 1934, by the Boston Drug & Beverage Co., from Boston, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Vat 6 Old Scotch Whisky A Blend [picture of a bust of a Scotchman in native garb]."

It was alleged in the libel that the article was adulterated in that alcohol had been mixed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Old Scotch Whisky" and the design purporting to be a bust of a Scotchman in native garb, borne on the label, were false and misleading and tended to deceive and mislead the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article, namely, "Old Scotch Whisky."

On May 24, 1934, the Boston Drug & Beverage Corporation, Boston, Mass., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22715. Adulteration and misbranding of butter. U. S. v. Delta Valley Creamery Co. Plea of guilty. Fine, \$29. (F. & D. no. 32085. Sample nos. 29520-A, 29522-A, 38418-A.)

This case was based on interstate shipments of butter that contained less than 80 percent by weight of milk fat. No declaration of the quantity of the contents appeared on the packages containing one lot.

On May 12, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Delta Valley Creamery Co., a corporation, Delta, Utah, alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about July 8 and August 8, 1933, from the State of Utah into the State of California, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Butter—Keep Cool."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the label, was false and misleading, and for the further reason that the

article was labeled "Butter" so as to deceive and mislead the purchaser, since it was not butter, as defined by said act of Congress, in that it contained less than 80 percent by weight of milk fat. Misbranding was alleged with respect to the butter in one shipment for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 9, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$29.

M. L. WILSON, *Acting Secretary of Agriculture.*

22716. Adulteration and misbranding of butter. U. S. v. Pend d'Oreille Creamery Co. Plea of guilty. Fine, \$500 and costs. (F. & D. no. 32087, Sample no. 48731-A.)

This case was based on a shipment of butter that contained less than 80 percent of milk fat.

On June 21, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pend d'Oreille Creamery Co., a corporation, Plains, Mont., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 8, 1933, from the State of Montana into the State of Washington, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Evergreen * * * Fancy Creamery Butter Put Up For Becwar Produce Co., Spokane, Wash."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not butter, in that it contained less than 80 percent by weight of milk fat, the standard for butter established by law.

On July 16, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$500 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22717. Adulteration and misbranding of butter. U. S. v. Fairmont Creamery Co. Plea of guilty. Fine, \$75. (F. & D. no. 32091, I. S. no. 47593, Sample no. 43264-A.)

This case involved shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On February 21, 1934, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fairmont Creamery Co., a corporation, trading at Guthrie, Okla., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 29, 1931, from the State of Oklahoma into the State of Ohio, of a quantity of butter which was adulterated, and on or about June 20, 1933, from the State of Oklahoma into the State of Connecticut, of a quantity of butter which was adulterated and misbranded. One shipment of the article was labeled, (Tub) "Glenwood Creamery Butter."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged with respect to one shipment of the article for the reason that the statement "Butter", borne on the tub, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not butter as defined by law in that it contained less than 80 percent of milk fat.

On June 8, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$75.

M. L. WILSON, *Acting Secretary of Agriculture.*

22718. Adulteration and misbranding of winter wheat bran. U. S. v. The Wheatena Corporation. Plea of nolo contendere. Fine, \$20. (F. & D. no. 32093. Sample no. 17798-A.)

This case was based on an interstate shipment of a product represented to be pure winter wheat bran, but which was found to consist in part of screenings and scorings, or scorings.

On May 15, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Wheatena Corporation, trading at High Spire, Pa., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 10, 1933, from the State of Pennsylvania into the State of Maryland, of a quantity of bran which was adulterated and misbranded. The article was labeled in part: (Tag) "Pure Winter Wheat Bran * * * Manufactured by The Wheatena Corporation High Spire Flour Mills Division High Spire, Pennsylvania."

It was alleged in the information that the article was adulterated in that substances, screenings, had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality, and in that substances, screenings and/or scorings, had been substituted in part for pure winter wheat bran, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Pure Winter Wheat Bran", borne on the tag, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article consisted solely of winter wheat bran, whereas it consisted in part of screenings and/or scorings. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, pure winter wheat bran.

On June 5, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$20.

M. L. WILSON, *Acting Secretary of Agriculture.*

22719. Adulteration and misbranding of butter. U. S. v. Challenge Cream & Butter Association. Plea of guilty. Fine, \$26. (F. & D. no. 32096. Sample no. 23154-A.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On June 16, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Challenge Cream & Butter Association, a corporation, trading at Salt Lake City, Utah, alleging shipment by said company in violation of the Food and Drugs Act, on or about May 5, 1933, from the State of Utah into the State of Nevada, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Blue Ribbon Brand Choice Creamery Butter * * * Distributed By Challenge Cream & Butter Ass'n, Salt Lake City."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the label, was false and misleading, and for the further reason that it was labeled butter so as to deceive and mislead the purchaser, since it was not butter as defined by the said act of Congress, in that it contained less than 80 percent by weight of milk fat.

On July 21, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$26.

M. L. WILSON, *Acting Secretary of Agriculture.*

22720. Adulteration and misbranding of butter. U. S. v. Lester O. Casperson (O. Casperson & Sons). Plea of guilty. Fine, \$250. (F. & D. no. 32097. Sample no. 23050-A.)

This case was based on a shipment of butter, samples of which were found to contain less than 80 percent of milk fat and to be short of the labeled weight.

On June 14, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against Lester O. Casperson, a member of a partnership trading as O. Casperson & Sons, San Francisco, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about March 22, 1933, from the State of California to Honolulu, Hawaii, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Carton) "Net Weight One Pound Buttercup Brand Creamery Butter * * * Packed and Distributed by O. Casperson & Sons, San Francisco Quarters"; (wrapper on cube) "Net Weight 4 Ounces When Packed."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Butter", "Net Weight One Pound", and "Net Weight 4 Ounces", borne on the cartons and wrappers, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not butter as prescribed by law, in that it contained less than 80 percent of milk fat, the cartons contained less than 1 pound, and the cubes contained less than 4 ounces.

On June 29, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$250.

M. L. WILSON, *Acting Secretary of Agriculture.*

22721. Adulteration and misbranding of milk chocolate. U. S. v. Washington Chocolate Co. Plea of guilty. Fine, \$100. Sentence suspended on payment of costs, and defendant placed on probation for 3 years. (F. & D. no. 32104. Sample no. 37023-A.)

This case was based on a shipment of a product represented to be milk chocolate but which was composed in part of skim milk solids.

On June 25, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Washington Chocolate Co., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 1, 1933, from the State of Washington into the State of Oregon, of a quantity of milk chocolate which was adulterated and misbranded. The article was labeled in part: (Carton) "Western Milk * * * Washington Chocolate Co. Manufacturers of Cocoa & Chocolate, Seattle, U. S. A.", and was invoiced as "Western Milk."

It was alleged in the information that the article was adulterated in that a product composed in part of skim milk solids had been substituted in whole and in part for milk chocolate.

Misbranding was alleged for the reason that the article was a mixture composed in part of skim-milk solids and was offered for sale under the distinctive name of another article, "Western Milk", i. e., milk chocolate.

On July 30, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100, with execution suspended for 3 years, conditioned that costs be paid and that the defendant commit no like offense within that period.

M. L. WILSON, *Acting Secretary of Agriculture.*

22722. Misbranding of peaches. U. S. v. J. Linn Helms (Hoyle & Helms). Plea of guilty. Fine, \$25. (F. & D. no. 32125. Sample no. 8700-A.)

This case was based on a shipment of peaches that contained an excessive number of peaches below the minimum size declared on the labels.

On June 21, 1934, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against J. Linn Helms, trading as Hoyle & Helms, Thomaston, Ga., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 14, 1933, from the State of Georgia into the State of New York, of quantities of peaches which were misbranded. The article was labeled in part: "Brooks Mountain Brand Fancy Georgia Peaches Grown Packed and Shipped by Hoyle and Helms, Thomaston, * * * Georgia. * * * Early Rose 1½ in. Min. * * * Minimum 2 in. * * * Red Bird 2¼ In. * * * U. S. No. 1."

It was alleged in the information that the article was misbranded in that the statements, "Fancy Georgia Peaches * * * 1½ Min. * * * Minimum 2 in. * * * 2¼ In.", borne on the baskets, were false and misleading,

and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the baskets labeled "1½ in. Min." contained peaches of less than 1½ inches minimum diameter, the baskets labeled "2 in." contained peaches of less than 2 inches minimum diameter, and the baskets labeled "2¼ in." contained peaches of less than 2¼ inches minimum diameter.

On June 29, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22723. Adulteration of tullibeas. U. S. v. Sivert A. Selvog (Warroad Fish Co.). Plea of guilty. Fine, \$150. (F. & D. no. 32140. Sample nos. 32142-A, 32145-A, 32146-A, 43246-A, 35450-A.)

This case was based on several interstate shipments of tullibeas which were infested with worms.

On May 24, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sivert A. Selvog, trading as the Warroad Fish Co., Warroad, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 20, June 3, June 5, and July 8, 1933, from the State of Minnesota into the State of New York, and on or about June 17, 1933, from the State of Minnesota into the State of Illinois, of quantities of tullibeas which was adulterated. The article was labeled in part: "Warroad Fish Co., Warroad, Minn."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance; and in that it consisted of portions of animals unfit for food.

On June 25, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$150.

M. L. WILSON, *Acting Secretary of Agriculture.*

22724. Adulteration of butter. U. S. v. Harry Peterson (Arrow Creamery Co.). Plea of guilty. Fine, \$25. (F. & D. no. 32150. Sample no. 33297-A.)

This case was based on a shipment of butter that contained less than 80 percent of milk fat.

On June 26, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harry Peterson, trading as the Arrow Creamery Co., Salt Lake City, Utah, alleging shipment by said defendant in violation of the Food and Drugs Act, on or about September 8, 1933, from the State of Utah into the State of California, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On July 21, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22725. Misbranding of canned mixed vegetables. U. S. v. Rocky Mountain Packing Corporation. Plea of guilty. Fine, \$25. (F. & D. no. 32168. Sample no. 13740-A.)

This case was based on a shipment of canned mixed vegetables which were represented to include certain vegetables not contained in the article.

On June 9, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rocky Mountain Packing Corporation, Ephraim, Utah, alleging shipment by said company in violation of the Food and Drugs Act, on or about March 17, 1932, from the State of Utah into the State of California, of a quantity of canned mixed vegetables which were misbranded. The article was labeled in part: (Can) "Manti Brand * * * Fancy Mixed Vegetables * * * Distributed By Rocky Mountain Packing Corporation, Salt Lake City, Utah Manti Brand [vignette of vegetables]."

It was alleged in the information that the article was misbranded in that the statement, "Fancy Mixed Vegetables", and the design of a plate of peas, string beans, celery, pimentos, and lettuce, borne on the label, were false and

misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement and design represented that the article consisted in part of string beans and pimentos, whereas it contained no string beans and pimentos.

On June 23, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22726. Adulteration of tullibeas. U. S. v. Oliver J. Selvog. Plea of guilty. Fine, \$40. (F. & D. no. 32176. Sample nos. 43856-A, 43857-A.)

This case was based on shipments of tullibeas that contained cysts of parasitic worms.

On May 24, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Oliver J. Selvog, Warroad, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about September 21 and September 23, 1933, from the State of Minnesota into the State of New York, of quantities of tullibeas which were adulterated. The article was labeled, "From O. J. S. Address Warroad", or "From Oliver Selvog, Address Warroad."

It was alleged in the information that the article was adulterated in that it consisted in part of filthy animal substances, namely, cysts; and in that it consisted of portions of animals unfit for food.

On June 25, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$40.

M. L. WILSON, *Acting Secretary of Agriculture.*

22727. Adulteration of butter. U. S. v. Sentinel-Missoula Creamery, Inc. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 32203. Sample nos. 54756-A, 54757-A, 54758-A.)

This case was based on interstate shipments of two lots of butter that contained less than 80 percent of milk fat.

On July 12, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sentinel-Missoula Creamery, Inc., a corporation, Missoula, Mont., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 30, 1933, and January 2, 1934, from the State of Montana into the State of Washington, of quantities of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On July 19, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22728. Adulteration and misbranding of butter. U. S. v. Edelstein Dairy Co., Inc. Plea of nolo contendere. Fine, \$50. (F. & D. no. 32112. Sample no. 43258-A.)

This case was based on an interstate shipment of butter that contained less than 80 percent of milk fat.

On May 8, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Edelstein Dairy Co., Inc., trading at Hartford, Conn., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 12, 1933, from the State of Connecticut into the State of New York, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Edelstein Dairy Company, * * * Brooklyn, N. Y."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, in that it was offered for sale as butter, whereas it was not butter, since it contained less than 80 percent of milk fat.

On July 31, 1934, a plea of *nolo contendere* was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22729. Misbranding of cottonseed cake and meal. U. S. v. Traders Oil Mill Co. Plea of guilty. Fine, \$50. (F. & D. no. 32183. Sample nos. 19839-A, 19840-A.)

This case was based on interstate shipments of cottonseed cake and meal which contained less than 43 percent of protein, the amount declared on the labels.

On July 24, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Traders Oil Mill Co., a corporation, Fort Worth, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 10 and July 25, 1933, from the State of Texas into the State of Kansas, of quantities of cottonseed cake and meal which were misbranded. One shipment was labeled in part: "43% Protein Cracked Cottonseed Cake Prime Quality Manufactured by Traders Oil Mill Co., Fort Worth, Tex., Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent." The other shipment was labeled in part: "'Army Brand' Prime Quality 43% Protein Cottonseed Cake and Meal * * * Protein, not less than 43% * * * Manufactured for Louis Tobian & Company Dallas, Texas."

It was alleged in the information that the articles were misbranded in that the statements, "Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent", and "Protein, not less than 43%", borne on the tags of the respective lots, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since they contained less than 43 percent of protein, samples from the two lots having been found to contain 40.13 and 40.81 percent, respectively, of protein.

On July 28, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22730. Adulteration of canned cherries. U. S. v. Paulus Bros. Packing Co. Plea of guilty. Fine, \$50. (F. & D. no. 32213. Sample no. 59202-A.)

This case was based on an interstate shipment of canned cherries that contained maggots.

On July 12, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Paulus Bros. Packing Co., a corporation, Salem, Oreg., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 8, 1933, from the State of Oregon into the State of Missouri, of a quantity of canned cherries which were adulterated. The article was labeled in part: "Jack Sprat Brand Royal Anne Cherries, Packed for Jack Sprat Foods, Inc., Marshalltown, Iowa."

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy vegetable and animal substance due to infestation with a large number of maggots.

On July 18, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22731. Adulteration of canned tomatoes. U. S. v. 653 Cases of Canned Tomatoes. Decree of condemnation. Product released under bond for separation and destruction of unfit portion. (F. & D. no. 32267. Sample nos. 58812-A, 55536-A.)

Samples of canned tomatoes taken from the shipment involved in this case were found to contain maggots.

On March 8, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 653 cases of canned tomatoes at Philadelphia, Pa., alleging that the article had been shipped

in interstate commerce, on or about October 12, 1933, by Albert W. Sisk & Son, from Pocomoke City, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On June 22, 1934, Albert W. Sisk & Son, Preston, Md., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$750, conditioned that the unfit portion be segregated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22732. Adulteration of dried peaches. U. S. v. 250 Boxes of Dried Peaches. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32295. Sample nos. 45477-A, 61983-A.)

This case involved a shipment of dried peaches that contained excessive moisture.

On March 10, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 250 boxes of dried peaches at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about January 30, 1934, by the Bonner Packing Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Standard Yellow Peaches Recleaned * * * Bonner Packing Co., Fresno, Calif."

It was alleged in the libel that the article was adulterated in that a product containing excessive moisture had been substituted for dried peaches, which the article purported to be.

On June 19, 1934, the Fraering Brokerage Co., Inc., New Orleans, La., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$826, conditioned that the moisture content be reduced to 26 percent, or less.

M. L. WILSON, *Acting Secretary of Agriculture.*

22733. Misbranding of canned peas. U. S. v. 30 Cases of Canned Peas. Default decree of condemnation and forfeiture. Product delivered to charitable or relief organization. (F. & D. no. 32303. Sample no. 67088-A.)

This case involved a shipment of canned peas which fell below the standard promulgated by the Secretary of Agriculture, because of the presence of excessive mature peas, and which were not labeled to indicate that they were substandard.

On March 17, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of canned peas at Scranton, Pa., alleging that the article had been shipped in interstate commerce, on or about July 25, 1933, by the Snider Packing Co., from Canandaigua, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Apple Blossom Brand Tender Sweet Peas * * * Distributed by Geneseo Canning Co., Geneseo, N. Y."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of the presence of an excessive number of hard peas, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On June 28, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to charitable or relief organizations.

M. L. WILSON, *Acting Secretary of Agriculture.*

22734. Adulteration and misbranding of alleged bourbon whisky, a blend. U. S. v. 24 Cases and 25 Cases of Whisky. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32323. Sample nos. 64228-A, 64230-A.)

This case involved a shipment of alleged bourbon whisky, a blend, which was artificially colored with caramel and contained little or no bourbon whisky.

On or about March 16, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases of whisky at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about February 27 and March 2, 1934, by Kolmar, Inc., from Cincinnati, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Riverdale 90 Proof Bourbon Whiskey A Blend Blended by Kolmar Inc. Cincinnati, Ohio."

It was alleged in the libel that the article was adulterated in that an artificially colored diluted alcohol containing little or no bourbon whisky had been substituted for "Bourbon Whiskey, a Blend", which the article purported to be. Adulteration was alleged for the further reason that the article had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Bourbon Whiskey, a Blend", was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On June 6, 1934, Kolmar, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22735. Misbranding of apple butter. U. S. v. 70 (135) Cases of Apple Butter. Default decree of condemnation and forfeiture. Product delivered to charitable organizations. (F. & D. no. 32336. Sample nos. 61242-A, 61243-A.)

Sample jars of apple butter taken from the shipment involved in this case were found to contain less than 2 pounds, the weight declared on the label.

On March 16, 1934, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 cases of apple butter at Chattanooga, Tenn., consigned by the Von Allmen Preserving Co., alleging that the article had been shipped in interstate commerce, on or about June 1, 1933, from Louisville, Ky., and charging misbranding in violation of the Food and Drugs Act as amended. Subsequently the libel was amended to change the amount from 70 cases to 135 cases. The article was labeled in part: "Apple Butter Farm Brand Contents 2 Lbs. Pure Apple Butter Packed by Von Allmen Preserving Co., Louisville, Ky."

It was alleged in the libel that the article was misbranded in that it was labeled so as to deceive and mislead the purchaser, since the jars did not contain 2 pounds of apple butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On July 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered. The product was delivered to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

22736. Adulteration and misbranding of whisky. U. S. v. 22¾ Cases of Glenshire Scotch Whisky. Decree of condemnation and forfeiture. Portion of product released under bond to be relabeled, remainder destroyed. (F. & D. nos. 32327, 32329, 32330, 32338, 32340. Sample nos. 62100-A, 62151-A, 67371-A, 68645-A, 68646-A.)

These cases involved various shipments of a product under the name of Scotch Whiskey Imperial Blend, which consisted principally of a mixture, made in the United States, of dilute alcohol and a small proportion of Scotch whisky. The packages failed to bear a proper declaration of the quantity of

the contents, since the statement was made in ounces and not in terms of the largest unit in the package.

On March 16, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 22¾ cases of whisky at Washington, D. C. On March 17 and 19, 1934, libels were filed in the United States District Courts for the Eastern District of Missouri, District of Maryland, and District of New Jersey against 31 cases of whisky at St. Louis, Mo., 113 bottles at Baltimore, Md., and 235 bottles at Jersey City, N. J. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of February 14, 1934, and March 7, 1934, by the Hercules Products and Distilling Corporation from Brooklyn, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Glenshire Scotch Whisky Imperial Blend Contents 16 oz. * * * Hercules Products and Distilling Corp. Brooklyn, N. Y. Scotch Whisky."

The libels charged that the article was adulterated in that a substance, namely, a Scotch-type whisky made in the United States, had been substituted for Scotch whisky made in Scotland, which the article purported to be.

Misbranding was alleged for the reason that the statement on the bottle label, "Scotch Whisky Imperial Blend", was false and misleading and tended to deceive and mislead the purchaser; for the further reason that another article was offered for sale under the distinctive name of "Scotch Whisky"; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 20 and May 23, 1934, claims for the product seized at Washington, D. C., and Jersey City having been filed, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants, upon payment of costs and the execution of good and sufficient bonds, conditioned that it should not be disposed of in violation of the Food and Drugs Act. On May 4 and October 2, 1934, no claim having been entered for the lots seized in the Eastern District of Missouri and the District of Maryland, judgments of condemnation, forfeiture, and destruction were entered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22737. Adulteration of butter. U. S. v. 54 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32384. Sample no. 68651-A.)

This case involved a shipment of butter that contained filth.

On January 31, 1934, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 54 cases of butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce, on or about January 22, 1934, by Armour & Co., from Springfield, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Spring Brook Brand Creamery Butter."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On June 28, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22738. Adulteration of tomato puree. U. S. v. 400 Cases of Tomato Puree. Default decree of destruction. (F. & D. no. 32396. Sample no. 61025-A.)

This case involved the shipment of a quantity of tomato puree which contained excessive mold.

On March 21, 1934, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 cases of tomato puree at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about November 20, 1933, by the Henryville Canning Co., from Henryville, Ind., and charging adulteration in violation of the Food and

Drugs Act. The article was labeled in part: "Crystal Springs Brand Tomato Puree * * * Packed by Henryville Canning Co., Inc., Henryville, Ind."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On June 2, 1934, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22739. Misbranding of prepared mustard. U. S. v. 415 Cases and 75 Cases of Prepared Mustard. Product ordered relabeled and released. (F. & D. no. 32398. Sample nos. 39331-A, 39332-A.)

Sample jars of prepared mustard taken from the shipment involved in this case were found to contain less than the labeled weight.

On March 28, 1934, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 490 cases of prepared mustard at Greenville, S. C., alleging that the article had been shipped in interstate commerce, on or about February 5, 1934, by the Mid-West Food Packers, Inc., from Fowlerton, Ind., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Mid-West Brand Pure Prepared Mustard Contents 2 Lbs [or 'Contents 1 Lb.']* Made by Midwest Food Packers, Inc., Fowlerton, Ind."

It was alleged in the libel that the article was misbranded in that the statements on the labels, "Contents 2 Lbs." or "Contents 1 Lb.," were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On August 2, 1934, Jack R. Gignilliat, Greenville, S. C., having appeared as claimant for the property, and the case having come on for hearing on the pleadings and stipulation of claimant, admitting the allegations of the libel, judgment was entered ordering that the product be relabeled under the supervision of this Department and released to the claimant.

M. L. WILSON, *Acting Secretary of Agriculture.*

22740. Adulteration of evaporated apples. U. S. v. 253 Boxes of Evaporated Apples. Default decree of condemnation. Product disposed of by destruction or delivery to relief organization. (F. & D. no. 32402. Sample no. 69064-A.)

This case involved the shipment of evaporated apples which were found to be in part insect-infested, decomposed, and dirty.

On March 20, 1934, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 253 boxes of evaporated apples at El Reno, Okla., alleging that the article had been shipped in interstate commerce on or about December 17, 1933, by the Loma Fruit Co., from Watsonville, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Clipper Brand, Evaporated Apples * * * Packed by Loma Fruit Company Watsonville Calif."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On June 25, 1934, no claimant having appeared for the property, judgment of condemnation was entered and the court, having found that the product was but partly decomposed, ordered that it be offered to a relief organization and, if not accepted, that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22741. Adulteration and misbranding of whisky. U. S. v. 11 Cases, et al., of Whisky. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 32403, 32404, 32501. Sample nos. 58075-A, 58292-A, 58293-A.)

These cases involved various lots of alleged whisky which consisted of artificially flavored and colored brandy.

On March 22 and April 4, 1934, the United States attorneys for the Districts of Rhode Island and Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation

of 170 cases of alleged whisky at Providence, R. I., and 34 cases at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about March 3, 1934, by the Sherwood Distilling & Distributing Co., from Baltimore, Md., into the States of Rhode Island and Massachusetts, respectively, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "13 Years Old Blue Ridge Whiskey Bottled by the Sherwood Distilling & Distributing Co., Baltimore, Md."

It was alleged in the libels that the article was adulterated in that artificially colored and flavored brandy had been substituted for the article.

Misbranding was alleged for the reason that the statement on the label, "Whiskey", was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On May 24 and July 17, 1934, the Sherwood Distilling & Distributing Co., Baltimore, Md., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$8,740, conditioned that it be correctly relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22742. Adulteration of evaporated apples. U. S. v. 100 Boxes of Evaporated Apples. Consent decree of condemnation. Product released under bond. (F. & D. no. 32426. Sample no. 62005-A.)

This case involved the shipment of a quantity of evaporated apples which contained excessive moisture.

On March 28, 1934, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 boxes of evaporated apples at Sherman, Tex., alleging that the article had been shipped in interstate commerce on or about February 13, 1934, by Rosenberg Bros. & Co., from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "25 Lbs. Net Weight Magnolia Brand Extra Choice Evaporated Apples Distributed by Rosenberg Bros. & Co. California."

It was alleged in the libel that the article was adulterated in that a product containing excessive water had been substituted for evaporated apples.

On June 27, 1934, Rosenberg Bros. & Co., Fresno, Calif., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be dried to reduce the moisture content to 24 percent or less.

M. L. WILSON, *Acting Secretary of Agriculture.*

22743. Adulteration and misbranding of chocolate coating. U. S. v. 2 Cases and 2 Cases of Chocolate Coating. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 32428. Sample nos. 48203-A, 48204-A.)

This case involved a product sold under labels which indicated that it was milk chocolate. Examination showed that the article contained skim milk solids and was deficient in butterfat.

On March 29, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cases of chocolate coating at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about February 23, 1934, by the Guittard Chocolate Co., from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled: (Case) "May Milk Chocolate Coating": (slab) "May Milk with Cocoa Butter Added Improving Smoothness Guittard Chocolate Co. San Francisco." The remainder was labeled: (Case) "Milkote * * * Chocolate"; (slab) "Milkote."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat and containing skim milk solids had been substituted for the article.

Misbranding was alleged with respect to a portion of the article for the reason that the statement, "May Milk Chocolate Coating", was false and mis-

leading and tended to deceive and mislead the purchaser, and for the further reason that it was sold under the distinctive name of another article. Misbranding of the remainder was alleged for the reason that the following statements, (case) "Milkote * * * Chocolate", (slab) "Milkote", appearing in the labeling, were false and misleading and tended to deceive and mislead the purchaser, since they implied that the article was milk chocolate.

On June 14, 1934, the Guittard Chocolate Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$60, conditioned that it be relabeled in a manner satisfactory to this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22744. Adulteration of egg colors. U. S. v. 13 Cartons and 500 Packages of Egg Colors. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32459, 32491. Sample nos. 41320-A, 65820-A.)

These cases involved shipments of egg colors that contained the deleterious ingredients lead chromate and Prussian blue pigment.

On March 30 and April 2, 1934, the United States attorneys for the Southern District of Iowa and the Southern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 13 cartons and 500 packages of egg colors at Clinton, Iowa, and Bloomington, Ill., respectively. It was alleged in the libels that the article had been shipped in interstate commerce in part, on or about February 7, 1934, and in part, on or about February 23, 1934, by the Rainbow Egg Colors, from Green Bay, Wis., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Rainbow Egg Colors."

The libels charged that the article was adulterated in that it contained added poisonous ingredients, lead chromate and Prussian blue pigments, which might have been injurious to health.

On July 25 and October 30, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22745. Adulteration of dried grapes. U. S. v. 525 Cartons, et al., of Dried Grapes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32483. Sample no. 55547-A.)

This case involved the shipment of a quantity of dried grapes which were in part fermented, decayed, and dirty, and which contained insect excreta.

On April 2, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 757 cartons of dried grapes at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about February 10, 1934, by Memorie Fruits, Ltd., from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "25 lbs. Net Memorie Brand Dried Zinfandel Black Grapes Packed by Memorie Fruits, Ltd., Fresno, California."

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On June 5, 1934, the Memorie Fruits, Ltd., Fresno, Calif., having appeared as claimant for the property, and the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22746. Misbranding of olive oil. U. S. v. 32 Cases of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32500. Sample no. 51672-A.)

Sample cans of olive oil taken from the shipment in this case were found to contain less than 1 gallon, the labeled volume.

On April 14, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 32 cases of olive oil at Scranton, Pa., alleging that the article had been shipped in interstate commerce, on or about May 3, 1933, and February 27, 1934, by Strohmeier & Arpe Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Gallon Anita B and Pure Olive Oil Imported Product United Pure Food Co., N. Y. Importers and Packers."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Gallon", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 19, 1934, Strohmeier & Arpe Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled to show the exact quantity of the contents.

M. L. WILSON, *Acting Secretary of Agriculture.*

22747. Adulteration of noodles. U. S. v. 20 Boxes of Noodles. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32506. Sample no. 60738-A.)

This case involved the shipment of a quantity of noodles which contained excessive moisture.

On April 4, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 boxes of noodles at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 24, 1934, by Republic Noodle Factory, from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Package) "Red Triangle 5 lbs. Net Chinese Noodles Plain Republic Noodle Factory San Francisco, Calif."

It was alleged in the libel that the article was adulterated in that a substance containing excessive moisture had been substituted for noodles.

On January 28, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22748. Adulteration of apple butter. U. S. v. 92 Cases of White House Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32513. Sample no. 60882-A.)

This case involved the shipment of a quantity of apple butter which contained insect larvae and other filth.

On April 7, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 92 cases of apple butter at Springfield, Ohio, alleging that the article had been shipped in interstate commerce on or about January 23, or February 6, 1934, by the National Fruit Products, Inc., from Winchester, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "White House Apple Butter."

It was labeled in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On June 16, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22749. Adulteration of canned tomatoes. U. S. v. 211 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32515. Sample no. 61971-A.)

This case involved a shipment of canned tomatoes which were infested with insect larvae.

On April 9, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district

court a libel praying seizure and condemnation of 211 cases of tomatoes at Dallas, Tex., alleging that the article had been shipped in interstate commerce, on or about February 16, 1934, by the Johnson Canning Co., from Johnson, Ark., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cream of the Valley Brand Tomatoes * * * Johnson Canning Co., * * * Johnson, Ark."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On June 12, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22750. Adulteration of tomato puree. U. S. v. 3,200 Dozen Cans of Tomato Puree. Consent decree of condemnation and forfeiture. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 32516. Sample no. 67786-A.)

This case involved a shipment of tomato puree, samples of which were found to contain mold.

On April 9, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3,200 dozen cans of tomato puree at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 12 and November 6, 1933, by the North East Preserving Works, Inc., from North East, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Connoisseur Tomato Puree * * * Packed for Jules Weber Incorporated, New York."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On June 8, 1934, the North East Preserving Works, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned that the unfit portion be segregated and destroyed or denatured, under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22751. Adulteration and misbranding of confectionery. U. S. v. 36 Boxes of Confectionery. Default decree of forfeiture and destruction. (F. & D. no. 32521. Sample no. 65856-A.)

This case involved a product labeled "Cordials (Not a Confection)." The article was in fact confectionery containing alcohol.

On April 11, 1934, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 boxes of confectionery at Danville, Ill., alleging that the article had been shipped in interstate commerce on or about March 31, 1934, by C. A. Stagg, from Indianapolis, Ind., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated under the provisions of the law relating to confectionery, in that it contained spirituous liquor.

Misbranding was alleged under the provisions of the law relating to food, in that the statement on the label, "Cordial (Not a Confection)", was false and misleading and tended to deceive and mislead the purchaser.

On July 6, 1934, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22752. Adulteration of apple butter. U. S. v. 50 Cases, et al., of Apple Butter. Consent decrees of condemnation. Product released under bond. (F. & D. nos. 32522, 32523, 32524. Sample nos. 1101-A, 1102-A, 1103-A.)

These cases involved interstate shipments of apple butter that was found to contain arsenic and lead.

On April 9, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the

district court libels praying seizure and condemnation of 325 cases of apple butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, in part on or about January 20, 1934, by Arriss, Campbell & Gault, from Tacoma, Wash., and in part on or about February 24, 1934, by the Pacific Northwest Canning Co., of Puyallup, Wash., from Tacoma, Wash., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: New mark Brand * * * Apple Butter Packed For [or "Distributed by"] M. A. Newmark & Co. Los Angeles." The remainder was labeled: "Skookum Brand Apple Butter * * * Pacific Northwest Canning Co Puyallup Wash Distributors."

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, namely, arsenic and lead, which might have rendered the article injurious to health.

On July 11, 1934, Hunt Bros. Packing Co., San Francisco, Calif., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon the filing of bonds totaling \$1,000 conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22753. Misbranding of salad oil. U. S. v. 299 Cans of Salad Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32531. Sample no. 69701-A.)

This case involved a product consisting largely of domestic cottonseed oil which was labeled to convey the impression that it was olive oil.

On or about April 12, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 299 cans of salad oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about February 24, 1934, by V. Buonocore, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was misbranded in that the statements, "Olio Finissimo" and "Fine Oil", and the designs of leaves and branches suggestive of olive branches, appearing on the can label, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was olive oil, whereas it consisted largely of domestic cottonseed oil, and this impression was not corrected by the very inconspicuous statement appearing on the label, "Superlative quality eighty per cent of vegetable oil * * * Combined with twenty per cent pure olive oil."

On June 11, 1934, V. Buonocore, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned that it be emptied into drums and properly labeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22754. Adulteration and misbranding of potatoes. U. S. v. 360 Sacks of Potatoes. Petition for release denied. Decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. no. 32545. Sample no. 66609-A.)

This case involved a shipment of potatoes which were represented to be United States grade No. 1, but which fell below the said grade because of excessive grade defects.

On April 18, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 sacks of potatoes at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about April 7, 1934, by the Idaho Sales Co., from Jerome, Idaho, consigned to Denver, Colo., and diverted to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. No. 1 Selected Idaho Mountain Grown Potatoes."

It was alleged in the libel that the article was adulterated in that potatoes below the grade indicated on the label had been substituted for the article.

Misbranding was alleged for the reason that the statement "U. S. No. 1", borne on the label, was false and misleading, and tended to deceive and mislead the purchaser.

The Idaho Sales Co. entered an appearance and petitioned for the release of the potatoes under bond for re-grading. On June 16, 1934, the United States attorney having appeared in opposition to the release of the product, the petition was argued and overruled. On June 27, 1934, judgment of condemnation and forfeiture was entered, and it was ordered that the product be delivered to a hospital.

M. L. WILSON, *Acting Secretary of Agriculture.*

22755. Adulteration and misbranding of maple sirup. U. S. v. 33 Cases, et al., of Sirup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32566, 32567, 32568. Sample nos. 67000-A, 70001-A, 70002-A, 70003-A, 70011-A, 70035-A to 70039-A, incl.)

These cases involved various shipments of alleged maple sirup which was found to consist of an artificially flavored and colored sirup containing little or no maple sugar sirup.

On April 18, 1934, the United States attorney for the District of New Jersey acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 167 cases of sirup in part at Newark, N. J., and in part at East Orange, N. J., alleging that the article had been shipped in interstate commerce on or about February 20, 27, and 28, 1934, by the Mountaineer Syrup Corporation, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Old Time Mountaineer Maple Syrup Superior Blended * * * Produced from Pure Cane and Maple Sugars Mountaineer Syrup Corporation of Delaware, New York, N. Y."

It was alleged in the libels that the article was adulterated in that an artificially flavored and colored sugar sirup containing little or no maple sugar sirup had been substituted for maple sirup, which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Maple Syrup" and "Produced from Pure Cane & Maple Sugars", were false and misleading and tended to deceive and mislead the purchaser; and for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On June 26 and July 5, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22756. Adulteration of walnut meats. U. S. v. 25 Cartons and 9 Cartons of Walnut Meats. Default decrees of condemnation and destruction. (F. & D. nos. 31778, 32581. Sample nos. 41976-A, 66787-A, 66788-A.)

These cases involved shipments of walnut meats which were wormy, moldy, and rancid.

On December 28, 1933, and April 20, 1934, the United States attorney for the District of Montana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 25 cartons of walnut meats at Butte, Mont., and 9 cartons of walnut meats at Great Falls, Mont., alleging that the article had been shipped in interstate commerce, in part on or about November 28, 1933, and in part on or about December 6, 1933, by Leslie C. Mitchell, from Santa Ana, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On July 24 and August 24, 1934, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22757. Misbranding of olive oil. U. S. v. 7 Cans and 16 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32594. Sample nos. 68766-A, 68767-A.)

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than the volume declared on the label.

On April 24, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cans of olive oil at Vineland, N. J., alleging that the article had been shipped on or about December 20, 1933,

by the Rome Importing Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Contents 1 Gallon [or " ½ Gallon"] Superfine Olive Oil Rome Importing Co."

It was alleged in the libel that the article was misbranded in that the statements on the respective labels, "Net Contents 1 Gallon", and "Net Contents ½ Gallon", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On July 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22758. Misbranding of pepper. U. S. v. 38 Cases of Pepper. Default decree of condemnation and forfeiture. Product ordered delivered to charitable institution, or destroyed. (F. & D. no. 32596. Sample no. 67685-A.)

Sample packages of pepper taken from the shipment involved in this case were found to contain less than 3 ounces, the weight declared on the label.

On April 25, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 cases of pepper at Scranton, Pa., alleging that the article had been shipped in interstate commerce, on or about February 14, 1934, by L. E. Rogers, of Binghamton, N. Y., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Its a Rogers Product Pure Pepper 3 Ounces L. E. Rogers, Binghamton, N. Y."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Three Ounces", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 30, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable institution, and if no such institution desired the product, that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22759. Misbranding of vinegar. U. S. v. 212 Cases of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32607. Sample nos. 59670-A, 65143-A.)

Sample bottles of vinegar taken from the shipment involved in this case were found to contain less than 1 quart, the labeled volume.

On or about April 30, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 212 cases of vinegar at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about October 3 and October 5, 1933, by the C. H. Musselman Co., of Biglerville, Pa., from Inwood, W. Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Contents 1 Quart Rosemary * * * Apple Cider Vinegar * * * Samuel Kunin & Sons, Inc. Distributors, Chicago, Ill."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents One Quart", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 9, 1934, Samuel Kunin & Sons, Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment

of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22760. Misbranding of vinegar. U. S. v. 50 Cases of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32608. Sample no. 68002-A.)

Sample bottles of vinegar taken from a shipment involved in this case were found to contain less than 1 pint of the labeled volume. The article was also misbranded as to the name of the manufacturer and the place of manufacture.

On April 26, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of vinegar at Charleroi, Pa., alleging that the article had been shipped in interstate commerce on or about February 28, 1934, by the C. H. Musselman Co., from Inwood, W. Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Fox Brand Pure Apple Cider Vinegar * * * Contents One Pint Fox Grocery Co. Charleroi, Pa., Uniontown, Pa."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents One Pint", was false and misleading and tended to deceive and mislead the purchaser, and in that the statement, "Fox Grocery Co. Charleroi, Pa., Uniontown, Pa.", was false and misleading and tended to deceive and mislead the purchaser, since the statement implied that the Fox Grocery Co. was the manufacturer of the product, whereas the C. H. Musselman Co., of Biglerville, Pa., was the manufacturer. Misbranding was alleged further for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On June 21, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22761. Misbranding of Provegmin. U. S. v. 25 Bags of Provegmin. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32610. Sample no. 68561-A.)

This case involved an interstate shipment of feed that contained less protein and more fiber than declared on the label.

On April 26, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 bags of Provegmin at Chestertown, Md., alleging that the article had been shipped in interstate commerce on or about March 15, 1934, by Ronck & Bevis Co., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Provegmin (Open Formula) Protein 38%, * * * Fiber 6.00%."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Protein 38% * * * Fiber 6.00%", were false and misleading and tended to deceive and mislead the purchaser.

On June 13, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22762. Adulteration of apple butter. U. S. v. 30 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32611. Sample no. 71085-A.)

This case involved an interstate shipment of apple butter, samples of which were found to contain lead.

On April 26, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of apple butter at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about March 30, 1934, by the Pacific Northwest Canning Co., from Puyallup, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Paul's Skookum Apple Butter. Distributors Pacific Northwest Canning Co."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it harmful to health.

On June 7, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22763. Adulteration of tomato sauce. U. S. v. 575 Cases, et al., of Tomato Sauce. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32328, 32449, 32450, 32451, 32615. Sample nos. 65874-A, 68669-A, 68679-A, 68680-A, 68681-A.)

These cases involved shipments of tomato sauce that contained mold.

On March 15, March 29, March 30, and April 28, 1934, the United States attorney for the Western District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,093 cases of canned tomato sauce at Memphis, Tenn., alleging that the article had been shipped in interstate commerce, in part on or about January 11, 1934, by the Beach Packing Co., and in part on or about February 8, 1934, by the California Sea Food Co., from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "El Trono Brand Spanish Style Tomato Sauce * * * Packed by Beach Packing Co., Cannery Newport Beach, Calif."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On June 28, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22764. Adulteration of canned spinach. U. S. v. 200 Cases of Canned Spinach. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32660. Sample no. 69776-A.)

This case involved an interstate shipment of canned spinach, samples of which were found to be putrid and to contain botulinus toxin.

On April 30, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of spinach at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 3, 1934, by the Frank M. Wilson Co., from Alameda, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cock O'The Walk California Spinach * * * Grown for and packed by Tri-Valley Packing Association San Francisco."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, botulinus toxin, which might have rendered it injurious to health. Adulteration was alleged for the further reason that the article consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On June 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22765. Adulteration of canned spinach. U. S. v. 393 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. & D. no. 32662. Sample no. 69097-A.)

This case involved a shipment of canned spinach that was in part decomposed.

On May 1, 1934, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 393 cases of spinach at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about March 29, 1934, by the Tri-Valley Packing Association, Modesto, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Canned Spinach * * * Nugget Brand Frank M. Wilson Co."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On June 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22766. Adulteration of canned turnip greens and canned mustard greens. U. S. v. 6½ Cases of Turnip Greens and 10½ Cases of Mustard Greens. Default decree of destruction. (F. & D. no. 32665. Sample nos. 69087-A, 69088-A.)

This case involved an interstate shipment of canned greens that contained vinegar flies, worms, beetles, bugs, and cocoons.

On May 1, 1934, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6½ cases of canned turnip greens and 10½ cases of mustard greens at Healdton, Okla., alleging that the articles had been shipped in interstate commerce, on or about April 29 and June 5, 1933, respectively, by Thrift Packing Co., from Dallas, Tex., and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Thrift Brand Turnip Greens [or "Mustard Greens"] * * * Thrift Packing Co. Dallas, Texas."

It was alleged in the libel that the articles were adulterated in that they consisted wholly or in part of a filthy vegetable substance.

On June 5, 1934, no claimant having appeared for the property, judgment was entered finding the products adulterated, and ordering that they be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22767. Adulteration of dried grapes. U. S. v. 375 Cases and 100 Cases of Dried Grapes. Decrees of condemnation and forfeiture. Product released under bond for use in the manufacture of a distilled product. (F. & D. nos. 32670, 32723. Sample nos. 35395-A, 48263-A.)

These cases involved a shipment of two lots of dried grapes, one of which was insect-infested and the other of which contained insect excreta.

On May 2 and May 17, 1934, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 475 cases of dried grapes at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about April 10, 1934, by the Vagim Packing Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "West Coast Brand Alicante [or "Zinfandel"] Dried Black Grapes Vagim Packing Co., Fresno, Calif."

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On July 31, 1934, the Vagim Packing Co., Fresno, Calif., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$1,326, conditioned that it be used in the manufacture of a distilled product.

M. L. WILSON, *Acting Secretary of Agriculture.*

22768. Adulteration and misbranding of canned salmon. U. S. v. 39 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32673. Sample no. 60792-A.)

This case involved interstate shipment of two lots of salmon labeled as Choice or Fancy quality, but which was in part decomposed. One of the lots was labeled to convey the impression that it was red salmon, whereas it was chinook.

On May 7, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about April 12 and April 14, 1934, by the Jacobson-Shealy Co., Inc., from San Francisco, Calif., and charging adulteration and

misbranding in violation of the Food and Drugs Act. A portion of the article was labeled; (Can) "Cottage Brand Red Choice Chinook Salmon * * * Packed by Red Salmon Canning Co."; the word "Red" appearing across the cut of a fish. The remainder was labeled: "Fancy Quality * * * Fresh Spring Chinook Salmon Packed for G. W. Bume Co., Benicia * * * Cal."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

Misbranding was alleged for the reason that the statement, "Fancy Quality Fresh Spring * * * Salmon", as applied to a low-grade salmon which was in part decomposed, the word "Red" across the cut of a fish, and the statements, "Choice * * * Red Salmon Canning Co.", as applied to a chinook variety of salmon, were false and misleading and tended to deceive and mislead the purchaser.

On June 28, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22769. Misbranding of canned tomatoes. U. S. v. 998 Cases, et al., of Canned Tomatoes. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 32674, 32760, 32785 to 32788, incl. Sample nos. 35397-A to 35400-A, incl. 46615-A, 46616-A, 62037-A, 66498-A, 66499-A.)

These cases involved shipments of canned tomatoes which fell below the standard established by the Secretary of Agriculture, because of the presence of excessive peel, and which were not labeled to indicate that they were substandard.

On May 3, May 24, and May 29, 1934, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 3,321 cases of canned tomatoes at New Orleans, La., alleging that the article had been shipped in interstate commerce, by Roberts Bros., Inc., in part on or about March 7, 1934, from Winter Haven, Fla., and in part on or about March 17 and 19, 1934, from Tampa, Fla., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Roberts Big R. Brand Tomatoes * * * Packed by Roberts Bros. Incorporated, Main Office Baltimore, Md."

It was alleged in the libels that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because of excessive peel, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On June 30, 1934, Roberts Bros., Inc., Baltimore, Md., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$11,520, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22770. Misbranding of mixed vegetables. U. S. v. 50 Cases of Mixed Vegetables. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. no. 32675. Sample no. 63155-A.)

This case involved a shipment of canned mixed vegetables which was composed of different vegetables than represented on the label.

On May 3, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of mixed vegetables at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about October 24, 1933, by the Rocky Mountain Packing Corporation, of Salt Lake City, Utah, from Manti, Utah, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Black and White Brand Mixed Vegetables * * * Haas Baruch and Co., Los Angeles, Calif."

It was alleged in the libel that the article was misbranded in that the design on the label, which included prominent pictorial representations of asparagus,

pimiento and string beans, was false and misleading and tended to deceive and mislead the purchaser, since the article contained none of those vegetables.

On July 23, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable institution.

M. L. WILSON, *Acting Secretary of Agriculture.*

22771. Misbranding of jellies. U. S. v. 96 Cases of Assorted Jellies. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32680. Sample nos. 60865-A to 60868-A, incl.)

Sample jars of jellies taken from the shipment involved in this case were found to contain less than 5 ounces, the labeled weight.

On May 4, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 cases of assorted jellies at Cincinnati, Ohio, consigned by the C. H. Musselman Co., from Biglerville, Pa., on or about December 7, 1933, alleging that the article had been shipped in interstate commerce, from the State of Pennsylvania into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Musselman's Brand * * * Jelly Manufactured by The C. H. Musselman Co., Biglerville, Pa. Net Contents 5 Oz. [or 'Contents 5 Oz.']."

It was alleged in the libel that the article was misbranded in that the statements on the labels, "Net Contents five ounces" or "Contents Five Ounces", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 2, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22772. Adulteration of egg noodles. U. S. v. 18 Cases and 5 Cases of Egg Noodles. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32681. Sample nos. 71094-A, 71095-A.)

This case involved a shipment of egg noodles which were artificially colored yellow.

On May 17, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cases of egg noodles at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about March 23, 1934, by Tsue Chong, from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: (Package) "Real Chinese Made Rose Brand Fresh Egg Noodles." The remainder was labeled: (Case) "Fresh Egg Noodles * * * Rose Brand Genuine Chinese Noodles Made by Tsue Chong Co., * * * Seattle, Wash."

It was alleged in the libel that the article was adulterated in that it was colored in a manner whereby inferiority was concealed.

On July 17, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22773. Adulteration and misbranding of whisky. U. S. v. 21 Bottles of Whisky. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32682. Sample no. 12230-A.)

This case involved artificially flavored and colored pomace and raisin brandy which was labeled "Whiskey."

On May 4, 1934, the United States attorney for District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 21 bottles of whisky at Washington, D. C., alleging that the article was in possession of Clark's, Inc., Washington, D. C., and was being

offered for sale in the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "13 Years Old Blue Ridge Whiskey Bottled by The Sherwood Distilling & Distributing Co., Baltimore, Md."

It was alleged in the libel that the article was adulterated in that a pomace and raisin brandy which had been stored in charred wood and artificially flavored and colored, had been substituted for whiskey, which the article purported to be.

Misbranding was alleged for the reason that the statement on the label, "Whiskey", was false and misleading and tended to deceive and mislead the purchaser; and for the further reason that the article was offered for sale under the distinctive name of another article, "Whiskey."

On August 17, 1934, the Sherwood Distilling & Distributing Co., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$42, conditioned that it be properly relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22774. Adulteration of olives. U. S. v. 13 Cases of Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32686. Sample no. 67967-A.)

This case involved a shipment of olives that were in part wormy.

On May 9, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cases of olives at Scranton, Pa., alleging that the article had been shipped in interstate commerce, on or about January 12 and May 5, 1933, by the B. M. Reeves Co., from Brooklyn, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Peerless Brand Olives * * * Packed by Peerless Packing Co. Brooklyn, New York."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 9, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22775. Misbranding of kummel and liqueurs. U. S. v. 15 Bottles of Kummel, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32689. Sample nos. 68440-A, 68442-A to 68445-A, incl.)

This case involved bottled liqueurs which were short volume.

On May 7, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bottles of kummel, and 43 bottles of liqueurs at Springfield, Mass., alleged that the articles had been shipped in interstate commerce, in various shipments between the dates of February 13 and April 5, 1934, the kummel by the Allied Brewing & Distributing Co., from Jersey City, N. J., and the liqueurs by the Julius Marcus Laboratories, Inc., in part from New York, N. Y., and in part from Jersey City, N. J., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: (Kummel) "Julius Marcus Kummel Contents One Quart 80 Proof, Manufactured at the Original Julius Marcus Laboratories, Jersey City, N. J."; (liqueurs) "Julius Marcus Apricot [or "Peach", "Blackberry", or "Cherry"] Liqueur 64 proof Contents One Pt. 9 Fluid Oz."

It was alleged in the libel that the articles were misbranded in that the statements on the labels, (kummel) "Contents One Quart", and (liqueurs) "Contents One Pt. 9 Fluid Oz.", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the articles were food in package form and the quantities of the contents were not plainly and conspicuously marked on the outside of the packages, since the statements made were incorrect.

On July 17, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22776. Adulteration and misbranding of evaporated apples. U. S. v. 23 Boxes, et al., of Evaporated Apples. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. nos. 32690, 32834. Sample nos. 41374-A, 41375-A, 41426-A, 56570-A, 56571-A, 56572-A.)

These cases involved shipments of several lots of evaporated apples. All lots were found to be short weight; portions contained excessive moisture; one lot was falsely labeled as to the name of the manufacturer and place of manufacture.

On May 8 and June 12, 1934, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 162 boxes and 22 cartons of evaporated apples at Duluth, Minn., alleging that the article had been shipped in interstate commerce on or about March 2 and April 24, 1934 by the A. B. Williams Fruit Co., from Sodus, N. Y., and charging adulteration and misbranding of a portion and misbranding of the remainder in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Queen Quality Choice Evaporated Ring Apples A. B. Williams Fruit Co. Sodus * * * N Y * * * Weight 10 Lbs." The remainder was labeled: "Hiawatha [or "Nokomis Brand"] Fancy Evaporated Apples Packed for [or "Packed By"] Stone-Ordean-Wells Co Duluth Minn Five Pounds Net Weight [or "One Pound Net When Packed"]."

It was alleged that a portion of the article was adulterated in that a product containing excessive water had been substituted for evaporated apples, which the article purported to be.

Misbranding of all lots was alleged for the reason that the statements "Weight 10 Lbs.", "Five Pounds Net Weight", "One Pound Net When Packed" and (one lot) "Packed by Stone-Ordean-Wells Co., Duluth, Minn.", were false and misleading and tended to deceive and mislead the purchaser since all lots were short of the declared weight and the A. B. Williams Fruit Co., of Sodus, N. Y., was the packer of the lot labeled "Packed by Stone-Ordean-Wells Co., Duluth, Minn." Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On July 17, 1934, the Stone-Ordean-Wells Co., Duluth, Minn., having appeared as claimant for the property and having admitted the allegation of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$1,000, conditioned that it be reconditioned and relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22777. Adulteration of dried grapes. U. S. v. 15 Boxes of Dried Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32698. Sample no. 53092-A.)

This case involved a shipment of dried grapes that were insect-infested and filthy.

On May 9, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of dried grapes at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about April 26, 1934, by the Enoch Packing Co., from Del Rey, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Airport Brand Zinfandel Raisins Packed by Enoch Packing Co. Del Rey, Calif."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On June 7, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22778. Adulteration and misbranding of potatoes. U. S. v. 2,400 Sacks of Potatoes. Default decree of condemnation and forfeiture. Product delivered to local hospital. (F. & D. no. 32485. Sample no. 65061-A.)

This case involved a shipment of potatoes represented to be U. S. grade No. 1, but which fell below the grade indicated on the label because of excessive grade defects.

On April 3, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,400 sacks of potatoes at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 22, 1934, by the Shattuck Irrigating Co., from Idaho Falls, Idaho, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Selected U. S. Number One Idaho Russet Potatoes, Shattuck Brand Idaho Falls."

It was alleged in the libel that the article was adulterated in that potatoes below the grade indicated on the label had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement "U. S. Number One", borne on the label, was false and misleading and deceived and misled the purchaser.

On June 27, 1934, no answer having been filed by the claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a local veterans' hospital.

M. L. WILSON, *Acting Secretary of Agriculture.*

22779. Misbranding of Easy Serve for Hot Chocolate. U. S. v. 1 Drum and 1 Drum of Easy Serve for Hot Chocolate. Default decree of condemnation and forfeiture. Product delivered to charitable organizations. (F. & D. no. 32700. Sample nos. 67954-A, 67955-A.)

This case involved a product labeled to convey the impression that it contained chocolate, but which contained no chocolate, examination showing that it consisted of a finely powdered mixture of sugar, skim milk, and cocoa, with flavor of malt.

On May 15, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two drums of Easy Serve for Hot Chocolate at Scranton, Pa., alleging that the article had been shipped in interstate commerce, on or about February 12 and April 12, 1934, by Smith & Wood, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Easy Serve for Hot Chocolate Made by Smith & Wood, * * * New York, N. Y."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Chocolate", was false and misleading and tended to deceive and mislead the purchaser, since it contained no chocolate.

On June 30, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to charitable or relief organizations, for use and not for sale.

M. L. WILSON, *Acting Secretary of Agriculture.*

22780. Adulteration of apple butter. U. S. v. 1,123 Cases of Apple Butter. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 32701. Sample no. 58625-A.)

This case involved a shipment of apple butter that contained lead.

On May 10, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,123 cases of apple butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about March 9, 1934, by the American Stores Co., from Hurlock, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Glenwood Brand Apple Butter * * * Distributed by American Stores Co., Philadelphia."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it harmful to health.

On June 14, 1934, the sole intervenor having consented to the destruction of the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22781. Misbranding of prepared mustard. U. S. v. 5 Cases of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32706. Sample no. 60284-A.)

Sample jars of prepared mustard taken from the shipment involved in this case were found to contain less than 1 pound, the declared weight.

On May 14, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cases of prepared mustard at La Grande, Oreg., alleging that the article had been shipped in interstate commerce on or about April 13, 1934, by the Rogers Co., from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Case) "1 Dozen 16 Oz."; (jar) "Contents 16 Oz. Rogers Prepared Mustard. * * * The Rogers Company, Seattle."

It was alleged in the libel that the article was misbranded in that the statements on the case and jar, respectively, and "16 Oz.", "Contents 16 Oz.", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On July 6, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22782. Adulteration and misbranding of honey. U. S. v. 20 Jars, et al., of Honey. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32719. Sample nos. 67727-A to 67730-A, incl.)

This case involved a shipment of four lots of alleged honey which consisted of a mixture of honey and commercial invert sugar. Samples taken from the 3-pound, 22-ounce, and 16-ounce sizes were found to contain less than declared. The jars containing the fourth lot bore no declaration of the quantity of the contents; the declarations on the 22-ounce and the 16-ounce sizes were not made in terms of the largest unit.

On May 17, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of twenty 3-pound jars, thirty 8-ounce jars, twenty-three 22-ounce jars, and forty-five 16-ounce jars of honey at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about April 4, 1934, by the Sun Rise Honey Co. (Isidor Spector), from Newark, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. Three of the lots were labeled in part: "Sun-Rise Pure Bee Honey N. W. 3 lb. [or "16 oz." or "22 oz."] Packed by Sun Rise Honey Co. Newark, N. J., Guaranteed absolutely pure honey as gathered by the bees from flowers and blossoms. No sugar or other ingredients added." The label on the fourth lot had become detached.

It was alleged in the libel that the article, with the exception of the 8-ounce jars, was adulterated in that a mixture of honey and commercial invert sugar had been substituted for honey, which the article purported to be.

Misbranding was alleged with respect to all lots for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to all lots, with the exception of the 8-ounce size, for the further reason that the following statements appearing in the labeling were false and misleading and tended to deceive and mislead the purchaser: "Pure Bee Honey * * * Guaranteed Absolutely Pure Honey as gathered by the bees from flowers and blossoms * * * No sugar * * * added. N. W. 3 Lb. [or "N. W. 22 Oz." or "N. W. 16 Oz.]." Misbranding of all lots was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements on all lots, with the exception of the 8-ounce size were incorrect, the statements on the 22-ounce and the 16-ounce sizes were not made in terms of the largest unit, and no statement of the quantity of the contents appeared on the label of the 8-ounce size.

On June 15, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22783. Misbranding of caviar. U. S. v. 4 11/12 Dozen Jars of Caviar. Default decree of condemnation. Portion of product delivered to charitable institutions. Remainder destroyed. (F. & D. no. 32725. Sample no. 7889-A.)

Sample jars of caviar taken from the shipment involved in this case were found to contain less than 2 ounces, the labeled weight.

On May 19, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4 11/12 dozen jars of caviar at Stamford, Conn., alleging that the article had been shipped in interstate commerce, on or about May 1, 1933, and April 9, 1934, by the Phenix Packing Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Bakou Brand Genuine Russian Caviar. Net Wt. Two Ozs. Packed by Bakou Imp. & Exp. Co. New York."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Wt. Two Ozs.," was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On July 2, 1934 no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be delivered to charitable institutions with the exception of eleven-twelfths dozen jars which were ordered delivered to a representative of this Department for weighing in the presence of a representative of the shipper, after which they were to be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22784. Misbranding of beer. U. S. v. 200 Cases and 800 Cases of Beer. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32728. Sample nos. 66432-A, 66433-A.)

This case involved a shipment of dark beer and light beer which contained alcohol by volume (dark 3.88 percent, light 3.90 percent), and which was misbranded, since it was labeled: "Does not contain more than 6% Alcohol by volume", the words, "Does not contain more than", being small and inconspicuous and the words and figures "6% Alcohol by volume" being large and prominently displayed.

On May 21, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of dark beer and 800 cases of light beer at Dallas, Tex., alleging that the article had been shipped in interstate commerce, on or about May 11, 1934, by the National Brewing Co., Inc., from New Orleans, La., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottles) "Eagle Beer * * * Brewed and Bottled by National Brewing Co., Inc., New Orleans, La."

It was alleged in the libel that the article was misbranded in that the statement, "Eagle Beer does not contain more than six percent alcohol by volume", was false and misleading, since the purchaser would be led to believe, and it was intended that the purchaser should believe, that the article might contain 6 percent of alcohol by volume; whereas the dark beer contained 3.88 percent of alcohol and the light beer contained 3.90 percent of alcohol by volume.

On June 11, 1934, C. T. Miller having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a good and sufficient bond, conditioned that it would not be sold or disposed of in violation of the Food and Drugs Act, and all other laws. The misbranding was corrected by obliterating the statement, "Does not contain more than 6% alcohol by volume."

M. L. WILSON, *Acting Secretary of Agriculture.*

22785. Adulteration of tomato puree. U. S. v. 175 Cases, more or less, of Tomato Puree. Default decree of condemnation. (F. & D. no. 32729. Sample nos. 12232-A, 62506-A.)

This case involved a shipment of tomato puree that contained excessive mold.

On May 23, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 175 cases of tomato puree at Washington, D. C., alleging that the article had been shipped in interstate commerce, on or about February 2, 1934, by the Geneva Preserving Co., from Wilson, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Approval Brand Tomato Puree * * * Distributors M. E. Horton, Inc., Washington, D. C."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On July 26, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be disposed of by the United States marshal in such manner as would not violate the provisions of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22786. Adulteration of canned prunes. U. S. v. 174 Cases of Canned Prunes. Decree of condemnation and forfeiture. Product released under bond for separation and destruction of unfit portions. (F. & D. no. 32735. Sample nos. 60426-A, 65752-A.)

This case involved a shipment of canned prunes which were in part moldy and decayed.

On May 24, 1934, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 174 cases of canned prunes at Bloomington, Ill., alleging that the article had been shipped in interstate commerce on or about February 3, 1934, by Paulus Bros. Packing Co. from Salem, Oreg., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On June 15, 1934, the Paulus Bros. Packing Co. having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$350, conditioned in part that the decomposed portion be segregated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22787. Misbranding of canned peas. U. S. v. 125 Cases of Canned Peas. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32740. Sample no. 68273-A.)

This case involved a product represented to be early June peas, but which contained more than 50 percent of ruptured peas and had the color and flavor of mature peas. The article fell below the standard established by this Department and was not labeled to indicate that it was substandard.

On May 22, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 125 cases of canned peas at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about April 3 and April 6, 1934, by the G. L. Webster Canning Co., of Cheriton, Va., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Cheriton Brand Early June Peas * * * Packed by G. L. Webster Canning Co., Incorporated, Cheriton, Virginia."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it was not normally colored and normally flavored canned immature peas, and since less than 80 percent of the peas by count were in such condition that the two cotyledons were still held together by the skin, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On June 20, 1934, the G. L. Webster Canning Co., Inc., Cheriton, Va., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was

ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$325, conditioned that new labels be affixed which were truthful and descriptive.

M. L. WILSON, *Acting Secretary of Agriculture.*

22788. Adulteration of dried peaches. U. S. v. 21 Boxes of Dried Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32741. Sample no. 68979-A.)

This case involved a shipment of dried peaches which were insect-infested.

On May 23, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 boxes of dried peaches at Lewisburg, Pa., alleging that the article had been shipped in interstate commerce on or about July 18, 1933, by Francis H. Leggett & Co., from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Magnolia Brand California Peaches Extra Choice Rosenberg Bros. & Co. California USA."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 30, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22789. Misbranding of canned cherries. U. S. v. 25 Cases of Canned Cherries. Product released to claimant for relabeling. (F. & D. no. 32746. Sample no. 25760-A.)

This case involved a product labeled "Pitted Cherries." Examination showed that the article fell below the standard established by the Secretary of Agriculture, because of the presence of excessive pits, and that it was not labeled to indicate that it was substandard.

On May 24, 1934, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of canned cherries at Boise, Idaho, alleging that the article had been shipped in interstate commerce, on or about December 23, 1933, by H. D. Olson, from Ogden, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Red Sour Pitted Cherries * * * Distributed by H. D. Olson, Ogden, Utah."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of the presence of excessive pits, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

The Dependable Wholesale Co., Boise, Idaho, appeared as claimant for the property and consented to the entry of a decree. On June 18, 1934, judgment was entered ordering that the product be released to the claimant provided it be first relabeled, "Partially Pitted Cherries", and that unless relabeled within 10 days, it be forfeited and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22790. Misbranding of apple butter. U. S. v. 230 Cases of Apple Butter. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32755. Sample nos. 64929-A, 64976-A, 65694-A.)

Sample jars of apple butter taken from the shipment involved in this case were found to contain less than 2 pounds, the weight declared on the label.

On or about May 29, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 230 cases of apple butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 20, 1934, by Von Allmen Preserving Co., from Louisville, Ky., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Blossom Brand Pure Apple Butter Two Lbs. Net Durand McNeil Horner Co. Distributors Chicago Ill."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Two Lbs. Net", was false and misleading and tended to

deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 9, 1934, the Durand-McNeil-Horner Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22791. Adulteration and misbranding of sirup. U. S. v. 50 Cases and 32 Cases of Sirup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32761. Sample no. 68390-A.)

This case involved a quantity of sirup labeled to convey the impression that it was maple sirup, but which consisted of an artificially flavored and colored sirup containing a small amount of maple sugar. Sample bottles taken from the lot were found to contain less than the declared volume.

On or about May 28, 1934, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 82 cases of sirup at Providence, R. I., alleging that the article had been shipped in interstate commerce, on or about March 7 and March 8, 1934, by the Mountaineer Syrup Corporation, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jars) "Old Time Mountaineer Maple Syrup Superior Blended 12 [or "16"] Fluid Ounces, Produced from Pure Cane & Maple Sugars Mountaineer Syrup Corporation of Delaware, New York, N. Y."

It was alleged in the libel that the article was adulterated in that an artificially colored and flavored mixture of cane and maple sugar sirups had been substituted for the article.

Misbranding was alleged for the reason that the statement on the labels, "Maple Syrup" and "Produced from Pure Cane & Maple Sugars", were false and misleading and tended to deceive and mislead the purchaser, since the product consisted of an artificially flavored and colored sugar sirup containing but little maple sugar; and in that the statements, "12 Fluid Ounces" and "16 Fluid Ounces", were false and misleading and tended to deceive and mislead the purchaser, since the product was short of the declared volume. Misbranding was alleged for the further reason that the article was an imitation of maple sirup and was offered for sale under the distinctive name of another article, maple sirup. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were incorrect, and the statement on the 16-ounce bottle was not made in terms of the largest unit.

On June 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22792. Misbranding of whisky. U. S. v. 75 Cases and 100 Pint Bottles of Alleged Whisky. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 32762, 32770. Sample no. 62237-A.)

These cases involved two lots of liquor which consisted of a pomace and raisin distillate labeled to convey the impression that it was whisky.

On May 25, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 cases of alleged whisky at Baltimore, Md. On May 25, 1934, the United States attorney for the District of Columbia filed in the Supreme Court a libel praying seizure and condemnation of 100 pint bottles of the same product at Washington, D. C. It was alleged in the libels that the article had been shipped in interstate commerce, on or about May 16, 1934, by the Sherwood Distilling & Distributing Co., from Baltimore, into the District of Columbia; that 75 cases had been subsequently reshipped to Baltimore, Md., and that it was misbranded in violation of the Food and Drugs

Act. The article was labeled, "13 Years Old Blue Ridge This product is a pomace and raisin distillate distilled in 1921. Color added Transferred to Charred Oak Barrels in 1931 giving this distillate certain Whiskey characteristics Bottled by The Sherwood Distilling & Distributing Co. Baltimore. Md." the words, "13 Years Old Blue Ridge * * * Whiskey", being prominently displayed.

It was alleged in the libels that the article was misbranded in that the very prominent statements on the label, "13 Years Old Blue Ridge Whiskey", were false and misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was whiskey, whereas it was a pomace and raisin distillate.

On June 2 and August 17, 1934, the Sherwood Distilling & Distributing Co., and Louis Mann., having appeared as claimants for the respective lots, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimants, upon payment of costs and the execution of bonds totaling \$2,500, conditioned that it be properly relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22793. Misbranding of canned cherries. U. S. v. 64 Cases of Canned Cherries. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32774. Sample no. 68391-A.)

This case involved a shipment of canned cherries that fell below the standard established by the Secretary of Agriculture because of the presence of excessive pits and which was not labeled to indicate that it was substandard.

On May 28, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 cases of canned cherries at Cambridge, Mass., alleging that the article had been shipped in interstate commerce on or about March 21, April 27, and May 11, 1934, by the Geneva Preserving Co., from Geneva, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Rival Red Sour Pitted Cherries * * * Packed for Rival Foods Inc., Cambridge, Mass."

It was alleged in the libel that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of the presence of an excessive number of pits and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On June 20, 1934, the Geneva Preserving Co., Geneva, N. Y., claimant, having admitted the allegations of the libel and having deposited \$165 as security in lieu of bond, conditioned that the product would not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant and that the labels be obliterated and new labels affixed describing its true nature.

M. L. WILSON, *Acting Secretary of Agriculture.*

22794. Misbranding of canned cherries. U. S. v. 39 Cases of Canned Cherries. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32778. Sample no. 71439-A.)

This case involved a shipment of "Pitted Cherries", which fell below the standard established by the Secretary of Agriculture, because of the presence of excessive pits, and which were not labeled to indicate that they were substandard.

On May 31, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 cases of canned cherries at Colorado Springs, Colo., consigned by the Pleasant Grove Canning Co., Orem, Utah, alleging that the article had been shipped in interstate commerce, from the State of Utah into the State of Colorado, on or about September 4, 1933, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Utah Valley Brand Red Sour Pitted Cherries Water Pack * * * Packed By Pleasant Grove Canning Co Pleasant Grove—Orem Utah."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of the presence of an excessive number of pits, and its package or label did not bear a plain and conspicuous statement

prescribed by regulation of this Department, indicating that it fell below such standard.

On August 22, 1934, the Pleasant Grove Canning Co. having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the filing of cash bond in the sum of \$138, conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22795. Adulteration of canned fresh prunes. U. S. v. 133 Cases of Canned Fresh Prunes. Default decree of destruction. (F. & D. no. 32780. Sample no. 65899-A.)

This case involved a shipment of canned fresh prunes which were in part decomposed.

On May 31, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 133 cases of canned fresh prunes at Joplin, Mo., alleging that the article had been shipped in interstate commerce, on or about November 18, 1933, by the Paulus Bros. Packing Co., from Salem, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mayflower Brand Fresh Prunes * * * Distributed by Marshall Canning Co., Marshalltown, Iowa."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On July 7, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated, and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22796. Adulteration of canned cherries. U. S. v. 178 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32793. Sample no. 69752-A.)

Samples of canned cherries taken from the shipment involved in this case were found to contain maggots.

On June 4, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 178 cases of canned cherries at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce, on or about February 10, 1934, by Paulus Bros. Packing Co., from Salem, Oreg., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On July 13, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22797. Misbranding of beer. U. S. v. 100 Cases of Beer. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32801. Sample no. 66509-A.)

This case involved a shipment of beer labeled on the main bottle label and neck band of the bottle to convey the misleading impression that it contained 6 percent of alcohol by volume, the statement on the neck band, "Contents Not More Than 6% Alcohol by Volume", being particularly misleading, since the phrase "6%" was very large and prominent, the remainder of the statement being in small inconspicuous type. Analysis showed that the article contained 4.4 percent of alcohol.

On June 1, 1934, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of beer at Jackson, Miss., alleging that the article had been shipped in interstate commerce, on or about May 25, 1934, by the American Brewing Co., from New Orleans, La., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Regal Lager Beer."

It was alleged in the libel that the article was misbranded in that the statement on the main bottle label, "Does not contain more than 6% alcohol by volume", and the statement on the neck band of the bottle, "Contents not more than 6% alcohol by volume", were false and misleading and tended to

deceive and mislead the purchaser, when applied to a product containing 4.4 percent of alcohol.

On June 16, 1934, the American Brewing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture*

22798. Misbranding of beer. U. S. v. 486 Cases of Beer. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32802. Sample no. 66508-A.)

This case involved a shipment of beer labeled, "Contains Not More than 6% Alcohol by Volume", the statements, "Not More than", being in small inconspicuous type, and the statement, "6% Alcohol by Volume", being in large type prominently displayed. Analysis of the article showed that it contained 5.22 percent of alcohol.

On June 1, 1934, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 486 cases of beer at Jackson, Miss., alleging that the article had been shipped in interstate commerce, on or about May 23, 1934, by the Jackson Brewing Co., from New Orleans, La., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Jax Beer."

It was alleged in the libel that the article was misbranded in that the statement, "Contains not more than 6% Alcohol by Volume", was false and misleading and tended to deceive and mislead the purchaser, since it was intended to convey the impression that the article contained 6 percent of alcohol, whereas it contained not more than 5.22 percent of alcohol.

On June 15, 1934, the Jackson Brewing Co., New Orleans, La., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22799. Misbranding of canned cherries. U. S. v. 47 Cases of Canned Cherries. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32807. Sample no. 66831-A.)

This case involved a shipment of "Pitted Cherries", which fell below the standard established by the Secretary of Agriculture, because of the presence of excessive pits, and which were not labeled to indicate that they were sub-standard. The words "Water Pack", appearing on the label, were not in proper type.

On June 5, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 47 cases of canned cherries at Pueblo, Colo., consigned by the Pleasant Grove Canning Co., Orem, Utah, alleging that the article had been shipped in interstate commerce, from the State of Utah into the State of Colorado, on or about September 4, 1933, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Utah Valley Brand Red Sour Pitted Cherries Water Pack. * * * Packed by Pleasant Grove Canning Co., Pleasant Grove-Orem, Utah."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because of the presence of an excessive number of pits, the statement "Water Pack" was not in proper type, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On August 22, 1934, the Pleasant Grove Canning Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the filing of cash bond in the sum of \$166, conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22800. Adulteration of tomato ketchup. U. S. v. 9 Dozen Cans of Tomato Ketchup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32814. Sample no. 68388-A.)

This case involved a shipment of tomato ketchup that contained excessive mold.

On June 12, 1934, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9 dozen cans of tomato ketchup at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about October 18, 1933, by the Brocton Preserving Co., from Brocton, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Brocton Brand Tomato Ketchup * * * Brocton Preserving Co., Brocton, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On July 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22801. Misbranding of rock candy. U. S. v. 147 Jars of Rock Candy. Default decree of condemnation and destruction. (F. & D. no. 32815. Sample no. 67725-A.)

Sample jars of rock candy taken from the shipment involved in this case were found to contain less than one half pound, the labeled weight.

On June 6, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 147 jars of rock candy at Asbury Park, N. J., alleging that the article had been shipped in interstate commerce on or about February 7, 1934, by Dryden & Palmer, Inc., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "D. & P. Rock Candy * * * Contents One Half Pound Net Dryden & Palmer, Inc., New York."

It was alleged in the libel that the article was adulterated in that the statement on the label, "Contents One Half Pound Net", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On July 20, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22802. Adulteration of canned mustard greens. U. S. v. 29 Cases, et al., of Canned Mustard Greens. Decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32733, 32792, 32805, 32825, 32826, 33000. Sample nos. 61842-A, 61848-A, 61849-A, 61850-A, 61853-A, 66515-A.)

These cases involved various shipments of canned mustard greens which were insect-infested.

On May 22, June 5, and June 7, 1934, the United States attorney for the Western District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 127 cases of canned mustard greens in various lots at Eunice, Church Point, DeQuincy, and Lafayette, La. On June 23, 1934, the United States attorney for the Eastern District of Louisiana filed a libel against 89 cases of mustard greens at New Orleans, La. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of October 5, 1933, and May 9, 1934, in part by the Orange Products Co., from Orange, Tex., and in part by the Phelan Co., from Beaumont, Tex., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Del-Dixi Brand Mustard Greens * * * Orange Products Company, Packers, Orange, Texas."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

The Orange Products Co., intervened and filed answers admitting the allegation of the libels. On June 18, 1934, the cases in the Western District of Louisiana came on for hearing before the court, and judgments were entered condemn-

ing the product, ordering that it be destroyed, and taxing costs against the Orange Products Co. On July 2, 1934, the intervenor having consented to the destruction of the product, judgment was entered ordering that it be condemned and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22803. Misbranding of canned sauerkraut. U. S. v. 14½ Cases of Canned Sauerkraut. Default decree of condemnation and forfeiture. Product delivered to charitable organizations. (F. & D. no. 32827. Sample nos. 38841-A, 38874-A, 38875-A.)

Sample cans of sauerkraut taken from the shipment in this case were found to contain less than 1 pound 4 ounces, the weight declared on the label. The label of the article contained unwarranted health claims.

On June 11, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14½ cases of sauerkraut at Glendale, Calif., alleging that the article had been shipped in interstate commerce, in part on or about March 27, 1934, and in part on or about April 24, 1934, by the Geo. E. Wolf Co., from Fremont, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Geo E. Wolf Health Brand Sauerkraut. * * * Contents 1 Lb. 4 Oz."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 1 Lb. 4 Oz.", was false and misleading and tended to mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect. Misbranding was alleged for the further reason that the following statements on the label were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: "Health Brand * * * but Nature's own food—a regulator—a stimulator and an invigorator. Physicians are getting over the idea that it is unethical to give out statements; the work of the doctor is not for his own gain but for the benefit of the public—the press of the country has the same duty—and from the two forces the public is the gainer; here is what Doctor Wm. Brady said in a recent issue of the Chicago Daily News: 'Sauerkraut is rich in calcium (lime) content. The average American urban dietary is poor in calcium, sauerkraut and sauerkraut juice serves better than milk, buttermilk, sour milk, or any of the proprietary fermented milk products or bacterial cultures for maintaining a thriving colony of lactic bacilli in the intestine. Lactic fermentation in the intestine is a wholesome or healthful process, because it keeps the field unfavorable to the multiplication of bacteria responsible for putrefactive decomposition. * * * National Food Expert confirms every claim made for sauerkraut * * * richest in vitamins.'"

On July 13, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to charitable organizations.

M. L. WILSON, *Acting Secretary of Agriculture.*

22804. Adulteration of butter. U. S. v. 4 Barrels of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32835. Sample no. 69639-A.)

Samples of butter taken from the shipment involved in this case were found to contain feathers, rodent hairs, mold, and nondescript debris.

On May 11, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four barrels of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 30, 1934, by Western Produce Co., Inc., from Abilene, Tex., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22805. Adulteration of cabbage. U. S. v. 434 Hampers and 430 Hampers of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 32837, 32838. Sample nos. 62487-A, 62489-A.)

This case involved two shipments of cabbage, one of which contained excessive arsenic, and the other of which contained excessive arsenic and lead.

On May 19 and May 23, 1934, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 864 hampers of cabbage at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about May 16, 1934, in part by C. E. Gibson, of Norman, S. C., from Meggett, S. C., and in part by C. E. Gibbons, of Meggett, S. C., from McGibson, S. C., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gibson Brand Grown and Packed by Chas. M. Gibson Co., Meggett, S. C."

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic in one lot and arsenic and lead in the other lot, which might have rendered it dangerous to health.

On June 20 and June 25, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22806. Adulteration of frozen eggs. U. S. v. 625 Cans of Frozen Eggs. Consent decree of condemnation. Product released under bond for segregation of unfit portion. (F. & D. no. 32844. Sample nos. 71576-A, 71577-A.)

This case involved a shipment of frozen eggs which were in part decomposed.

On June 11, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 625 cans of frozen eggs at Buffalo, N. Y., consigned by Swift & Co., alleging that the article had been shipped in interstate commerce on or about May 2, 1934, from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

Swift & Co., filed a claim and answer admitting the allegations of the libel and consenting to the entry of a decree, and petitioned that the goods be released, alleging that only a part thereof were adulterated. On July 5, 1934, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$5,200, conditioned that it be examined and the portion found to be adulterated segregated and denatured or destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22807. Adulteration and misbranding of alleged oat clips. U. S. v. 603 Bags and 570 Bags of Oat Clips. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32846, 32847. Sample nos. 49907-A, 49908-A.)

These cases involved shipments of a product represented to be oat clips. Examination showed that it was not oat clips but was oat screenings and miscellaneous elevator dust; also that it was contaminated with insects, rodent excreta, and other foreign matter.

On June 11, 1934, the United States attorneys for the Eastern District of Pennsylvania and the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 603 bags of alleged oat clips at Linfield, Pa., and 570 bags of the same product at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce, in part on or about April 24, 1934, and in part on or about April 27, 1934, by J. J. Badenoch Co., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 12 and 18, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22808. Misbranding of olive oil. U. S. v. 66 Cases, et al., of Olive Oil. Consent decrees of condemnation. Product released under bond for refilling and/or relabeling. (F. & D. nos. 32867, 32981, 32982. Sample nos. 38878-A, 38882-A, 38883-A, 38887-A, 38889-A, 38891-A.)

Sample bottles of olive oil taken from the shipments involved in these cases were found to contain less than the declared volume. The statements of the quantity of the contents appearing on two of the lots, were not made in fluid ounces.

On June 12 and June 20, 1934, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 490 cases of olive oil, in part at Los Angeles, Calif., and in part at Santa Monica, Calif., alleging that the article had been shipped in interstate commerce, in two shipments, on or about May 17 and May 25, 1934, respectively, by W. A. Taylor & Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part, variously: (Bottles) "Red Lion Imported Pure Virgin Olive Oil * * * Contents 4 Oz. [or "Contents 16 Oz."]; "Virgilio Imported Pure Virgin Olive Oil * * * Contents 8 Fl. Ozs." [or "4 Fl. Ozs."]; "Alpi Imported Olive Oil Contents 8 fl. ozs." All lots were labeled: "Packed by W. A. Taylor & Co., New York."

It was alleged in the libels that the article was misbranded in that the statements on the labels, "Contents 4 Oz.", "Contents 16 Oz.", "Contents 8 Fl. Ozs.", or "Contents 4 Fl. Ozs.", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were incorrect, and in the case of the "Red Lion" brand, were not made in terms of fluid ounces.

On June 26, 1934, W. A. Taylor & Co., New York, N. Y., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered by the court that the product be released to the claimant upon the execution of bonds totaling \$2,000, conditioned that the bottles be refilled, or refilled and relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22809. Adulteration of butter. U. S. v. 1 Box of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32872. Sample no. 70609-A.)

A sample of butter taken from the shipment involved in this case was found to contain rodent hairs, human hairs, mold, and other extraneous matter.

On June 7, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one box of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 28, 1934, by Sponsler Bros., from Everett, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 16, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22810. Adulteration of butter. U. S. v. 1 Tub of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32873. Sample no. 69645-A.)

A sample of butter taken from the shipment involved in this case was found to contain filth, such as larvae, cow hairs, and mold.

On May 23, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one tub of butter at New York, N. Y., alleging that the article had been shipped in interstate

commerce on or about May 16, 1934, by W. B. Barutti & Co., from Davidson, N. C., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 15, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22811. Adulteration of butter. U. S. v. 1 Can of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32926. Sample no. 62360-A.)

A sample of butter taken from the shipment involved in this case was found to contain rodent hairs, human hairs, parts of feathers, mold, and other filth.

On June 14, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 6, 1934, by F. S. Thurmond, from Cornelia, Ga., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 1, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22812. Adulteration of butter. U. S. v. 2 Cans of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32927. Sample no. 62361-A.)

This case involved a shipment of butter that contained insects, animal hairs, mold, and other filth. Analysis showed that it contained less than 80 percent of milk fat.

On June 14, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2 cans butte at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about June 8, 1934, by Kapp & Seibert, from Dillsburg, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From Kapp & Seibert Dillsburg, Pa."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance. Adulteration was alleged for the further reason that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as provided by the act of Congress of March 4, 1923.

On July 24, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22813. Adulteration of butter. U. S. v. 1 Barrel of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32928. Sample no. 62364-A.)

A sample of butter taken from the shipment involved in this case was found to contain portions of insects, animal hairs, mold, and other filth.

On June 21, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 16, 1934, by Lynchburg Produce, from Lynchburg, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 1, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22814. Adulteration of butter. U. S. v. 1 Barrel of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32929. Sample no. 62365-A.)

A sample of butter taken from the shipment involved in this case was found to contain portions of insects, animal hairs, a maggot, mold, and other filth.

On June 21, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 15, 1934, by Horn's Cash Store, from Forest City, N. C., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 1, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22815. Adulteration of butter. U. S. v. 1 Tub of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32930. Sample no. 62367-A.)

A sample of butter taken from the shipment involved in this case was found to contain maggots, insects, parts of insects, worms, animal hairs, mold, and other filth.

On June 22, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one tub of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 20, 1934, by Peterson Produce Co., from Buckhannon, W. Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 1, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22816. Misbranding of butter. U. S. v. 50 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32932. Sample no. 47943-A.)

This case involved a shipment of butter that was short weight and that contained less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On June 6, 1934, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of butter at Honolulu, Hawaii, consigned by Armour & Co., from San Francisco, Calif., alleging that the article had been shipped May 29, 1934, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Pound Net Weight Golden Dale Pasteurized Creamery Butter Distributed by Armour Creameries, General Offices Chicago."

It was alleged in the libel that the article was misbranded in that the statements on the label, "One Pound Net Weight, Golden Dale Pasteurized Creamery Butter", were false and misleading and deceived and misled the purchaser, since it contained less than 80 percent of milk fat. Misbranding was alleged for the further reason that the article did not have the quantity of the contents plainly and conspicuously marked on the outside of the package.

Armour & Co. filed a claim for the property admitting that it was misbranded, consented to the entry of a decree, paid costs of the proceedings, and filed a cash bond in the sum of \$645, conditioned that it would not be disposed of in contravention of the Federal Food and Drugs Act. On June 6, 1934, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant.

M. L. WILSON, *Acting Secretary of Agriculture.*

22817. Adulteration of butter. U. S. v. 14 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32933. Sample no. 65164-A.)

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On May 25, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 11, 1934, by Swift & Co., from Kansas City, Kans., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On July 18, 1934 no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22818. Adulteration of butter. U. S. v. 87 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32934. Sample no. 65706-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On or about June 2, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 87 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about May 21, 1934, by the Farmers Cooperative Creamery Co., from Slater, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On June 28, 1934, the Farmers Cooperative Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22819. Adulteration of butter. U. S. v. 33 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32936. Sample no. 65737-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On or about June 20, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about June 9, 1934, by the Bellevue Creamery, from Bellevue, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On June 20, 1934, Hunter, Walton & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22820. Adulteration of butter. U. S. v. 9 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32942. Sample no. 7970-A.)

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On June 15, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about June 5, 1934, by the Webster Cooperative Dairy Association, from Webster, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On July 9, 1934, the Webster Cooperative Dairy Association, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22821. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32943. Sample no. 7971-A.)

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On June 16, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about June 6, 1934, by the Monroe City Creamery, from Monroe City, Mo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On June 21, 1934, the Monroe City Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22822. Adulteration of butter. U. S. v. 19 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32944. Sample no. 7973-A.)

This case involved a shipment of butter, samples of which contained less than 80 percent by weight of milk fat.

On June 16, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about June 7, 1934, by the Ewing Cooperative Creamery Co., through its agent, the Nebraska Cooperative Creameries, Inc., from Ewing, Nebr., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent of milk fat as required by the act of Congress of March 4, 1923.

On July 2, 1934, the Nebraska Cooperative Creameries, Inc., Omaha, Nebr., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant

upon payment of costs and the execution of a bond in the sum of \$400, or the deposit of certified check in like amount, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22823. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32945. Sample no. 7972-A.)

This case involved a shipment of butter which contained less than 80 percent of milk fat.

On June 16, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about June 5, 1934, by the Concordia Creamery Co., from Concordia, Mo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On June 21, 1934, the Concordia Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22824. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32946. Sample no. 7982-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On June 23, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 tubs of butter at Bronx, N. Y., alleging that the article had been shipped in interstate commerce, on or about June 15, 1934, by the Jerpe Commission Co., from Omaha, Nebr., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On July 5, 1934, the Jerpe Commission Co., Inc., Omaha, Nebr., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, or the deposit of cash collateral in like amount, conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22825. Adulteration of butter. U. S. v. 16 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32947. Sample no. 7986-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On June 28, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 16, 1934, by the Bellevue Cooperative Creamery, from Bellevue, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On July 7, 1934, the Bellevue Cooperative Creamery, Bellevue, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned that it be reworked so that it contain at least 80 percent of butterfat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22826. Adulteration of butter. U. S. v. 43 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32948. Sample no. 7987-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On June 28, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about June 16, 1934, by the Alma Creamery Co., from Alma, Mo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as provided by the act of March 4, 1923.

On July 2, 1934, the Alma Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22827. Adulteration of butter. U. S. v. 1 Barrel of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32949. Sample no. 69649-A.)

This case involved a shipment of butter that contained mold and other extraneous matter.

On June 1, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about May 21, 1934, by Maiden & Maiden, from Meadow View, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On June 22, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22828. Adulteration of butter. U. S. v. 1 Tin of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32950. Sample no. 69650-A.)

A sample of butter taken from the shipment involved in this case was found to contain a piece of feather, and other extraneous matter.

On June 1, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 tin, containing 50 pounds of butter, at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about May 19, 1934, by T. L. Hayter, from Abingdon, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On June 22, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22829. Adulteration of butter. U. S. v. 1 Tub of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32951. Sample no. 70601-A.)

This case involved a shipment of butter that contained filth.

On June 1, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure, condemnation, and forfeiture of one tub, containing 43 pounds of butter, at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about May 22, 1934, by G. A. Olson, from Ludlow, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On June 22, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22830. Adulteration of butter. U. S. v. 400 Pounds of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32952. Sample no. 70602-A.)

This case involved a shipment of butter that contained mold and other extraneous matter.

On June 1, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 pounds of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about May 23, 1934, by Felix S. Bentzel, from York, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On June 22, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22831. Adulteration of butter. U. S. v. 727 Pounds of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32953. Sample no. 70603-A.)

Samples of butter taken from the shipment involved in this case were found to contain parts of insects, rodent and human hairs, mold, pieces of feathers, a piece of wood, and other extraneous matter.

On June 7, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 727 pounds of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 22, 1934, by Beasley Produce Exchange, from Roanoke, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 3, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22832. Adulteration of butter. U. S. v. 1 Box and 1 Tub of Butter. Default decrees of condemnation, forfeiture, and destruction. (F. & D. no. 32954. Sample nos. 70604-A, 70607-A.)

Samples of butter taken from the shipments involved in these cases were found to contain parts of insects, rodent hairs, human hairs, and other extraneous matter.

On June 6, 1934, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of one box and one tub of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 24 and May 25, 1934, by Sponsler Bros., from Everett, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 16, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22833. Adulteration of butter. U. S. v. 150 Pounds of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32955. Sample no. 70605-A.)

Samples of butter taken from the shipment involved in this case were found to contain mold, insects, and other extraneous matter.

On June 1, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 pounds of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 25, 1934, by Felix Bentzel, from York, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 25, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22834. Adulteration of butter. U. S. v. 100 Pounds of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32956. Sample no. 7060-A.)

Samples of butter taken from the shipment involved in this case were found to contain mold, parts of insects, rodent hairs, feathers, and other extraneous matter.

On June 1, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 pounds of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 24, 1934, by W. S. Harris, from Mount Airy, N. C., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 22, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22835. Adulteration of butter. U. S. v. 120 Pounds of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32957. Sample no. 70614-A.)

Samples of butter taken from the shipment involved in this case were found to contain human hair, cow hair, rodent hairs, general filth, and other extraneous matter.

On June 12, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 pounds of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 2, 1934, by Cash Bargain House, from Goode, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 3, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22836. Adulteration of butter. U. S. v. 1 Box of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32960. Sample no. 70623-A.)

Samples of butter taken from the shipment involved in this case were found to contain mold and other extraneous matter.

On June 28, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one box of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 19, 1934, by P. V. Leitzel, from Richfield, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 16, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22837. Adulteration of butter. U. S. v. 42 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32961. Sample no. 70737-A.)

Samples of butter taken from the shipment involved in this case were found to contain less than 80 percent of milk fat.

On June 19, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about June 9, 1934, by the Calhoun Creamery Co., Church, Iowa, in pool car consigned by the Decorah Farms Creamery Co., from Decorah, Iowa, acting as agents, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On July 5, 1934, the Calhoun Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22838. Adulteration of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32962. Sample no. 69644-A.)

A sample of butter taken from the shipment involved in this case was found to contain small beetles, rodent hairs, insect abdomen, insect eggs, and masses of paper.

On May 23, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 15, 1934, by J. H. Turner, from Roanoke, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 15, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22839. Adulteration of butter. U. S. v. 2 Barrels of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32963. Sample no. 62488-A.)

This case involved a shipment of butter that contained rodent hairs, maggots, parts of insects, pieces of feathers, and other filth.

On May 24, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two barrels, containing approximately 560 pounds of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about May 14, 1934, by the

E. E. Eller Produce Co., from North Wilkesboro, N. C., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22840. Misbranding of canned cherries. U. S. v. 250 Cases of Cherries. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 32967. Sample no. 38885-A.)

Sample bottles of cherries taken from the shipment involved in this case were found to contain less than the labeled weight.

On June 18, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 250 cases of cherries in bottles at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about May 17, 1934, by the Falcon Packing Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Falcon Brand Cherries Net Weight 2½ Ozs. * * * Falcon Packing Co., Inc., Distributors, New York."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Weight 2½ Ozs.", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On July 3, 1934, the Falcon Packing Co., Inc., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released to the claimant for relabeling, upon the execution of a bond in the sum of \$500. On July 19, 1934, the product having been relabeled, the bond was ordered exonerated upon payment of costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22841. Misbranding of whisky. U. S. v. 13 Cases and 18 Bottles of Whisky. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32974. Sample no. 41524-A.)

This case involved a shipment of whisky that was short volume; the labeling conveyed the impression that the article was of domestic origin, whereas it was not; the quantity of the contents was not declared in terms of the largest unit, namely, 1 pint.

On June 19, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cases, each containing 24 pint bottles, and 18 pint bottles of whisky, at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about January 31, 1934, by the Alliance Distributors, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Main bottle label) "Horse Shoe Bourbon Whiskey Mill Creek Distillery Limited, Havana, Cuba, Contents 16 Fluid Ounces," the words "Havana, Cuba" being almost invisible.

It was alleged in the libel that the article was misbranded in that the statement on the subsidiary bottle label, "Caution: This Whiskey is guaranteed to be made from choicest American grain under supervision of Government inspectors and distilled by American distillers," and the statement on the bond label, "Bottled in bond under government supervision," were false and misleading and tended to deceive and mislead the purchaser in that they implied that the whisky was of domestic origin, whereas it was not. Misbranding was alleged for the further reason that the statement, "Contents 16 Fluid Ounces", was false and misleading and tended to deceive and mislead the purchaser; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect, and was not made in terms of the largest unit.

On July 2, 1934, the claimant having filed an answer admitting the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a good and sufficient bond, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22842. Misbranding of canned mixed vegetables. U. S. v. 100 Cases of Mixed Vegetables. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32976. Sample no. 64525-A.)

This case involved a shipment of canned mixed vegetables which was composed chiefly of potatoes and carrots, the other varieties pictured on the labeling being present in small amount or entirely absent.

On or about June 22, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of mixed vegetables at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about March 9, 1934, by the Krier Preserving Co., from Belgium, Wis., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Serv-U-Rite Wisconsin Assorted Vegetables * * * Packed by The Krier Preserving Co., Belgium, Wis."

It was alleged in the libel that the article was misbranded in that the vignette on the label, which included prominent pictorial representation of cabbage, white corn, carrots, tomatoes, celery, potatoes, turnips, onions, lima beans, green and yellow string beans, peas, and green and red peppers, was false and misleading and tended to deceive and mislead the purchaser, in view of the composition of the product, since it consisted chiefly of carrots and potatoes, with small amounts of green string beans, peas, and lima beans, and a trace of celery and onion.

On July 27, 1934, the Wurm Bros. Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22843. Misbranding of canned mixed vegetables. U. S. v. 179 Cases of Mixed Vegetables. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32977. Sample no. 64524-A.)

This case involved a shipment of canned mixed vegetables which was composed of a different assortment of vegetables than pictured on the label.

On or about June 22, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 179 cases of mixed vegetables at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about September 12, 1933, by the Clyman Canning Co., of Merton, Wis., and the Leivenger Co., of Hartford, Wis., from Merton, Wis. (invoiced by the Waupun Canning Co., Waupun, Wis.), and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "White City Brand Mixed Vegetables * * * Samuel Kunin and Sons, Inc., Distributors, Chicago, Ill."

It was alleged in the libel that the article was misbranded in that the vignette on the label, which included in addition to prominent pictorial representations of cabbage, carrots, turnips, and potatoes, pictures of an ear of white corn, a large bunch of celery, two onions, and a tomato, was false and misleading and tended to deceive and mislead the purchaser, in view of the composition of the article, since it consisted chiefly of diced turnips, cabbage, carrots, potatoes, and kidney or lima beans, with small amounts of peas, string beans, yellow corn, and celery.

On July 9, 1934, Samuel Kunin & Sons, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court

that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22844. Adulteration and misbranding of oats. U. S. v. 1 Carload of Alleged Oats. Consent decree of condemnation and forfeiture. Product released under bond to be cleaned. (F. & D. no. 32978. Sample no. 65729-A.)

This case involved a shipment of a product represented to be mill oats but which consisted of a mixture of oats and ergot.

On June 22, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one carload of alleged oats at Indiana Harbor, Ind., alleging that the article had been shipped in interstate commerce, on or about May 28, 1934, by the Butler Grain Co., from Green Bay, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added deleterious ingredient, ergot, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 24, 1934, Harry J. Butler, trading as the Butler Grain Co., Minneapolis, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned that it be salvaged by cleaning under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22845. Adulteration of butter. U. S. v. 2 Kegs and 2 Cans of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32983. Sample no. 62358-A.)

The case involved a shipment of butter that contained animal hairs, insects, mold, and other filth.

On June 12, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2 kegs and 2 cans of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about June 7, 1934, by R. E. Bruce, from Campobello, S. C., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 1, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22846. Misbranding of canned salmon. U. S. v. 421 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 33001. Sample no. 64936-A.)

The labels of the product involved in this case were objectionable in that they bore unwarranted health and therapeutic claims, and in that by means of a garbled quotation from a Federal publication the false and misleading impression was conveyed that canned salmon contains more Vitamin D than does cod-liver oil. This particular lot of salmon would have a vitamin D content of approximately 14 percent of that of cod-liver oil.

On or about June 26, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 421 cases of canned salmon at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about May 7, 1934, by the Pacific American Fisheries, from South Bellingham, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Deming's Vacuum Packed Pink Salmon."

It was alleged in the libel that the article was misbranded in that the following statements appearing on the label, were false and misleading: "Full of Vitamins"; "In September 1931 an important pamphlet was published by the U. S. Bureau of Fisheries that concluded: 'It is quite apparent that there is more vitamin D in canned salmon than in cod liver oil. It is an essential part of every diet.'" Misbranding was alleged for the further reason that the following statements appearing on the label were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: "'For the benefit of your health' eat canned salmon at regular intervals. Insure yourself against goitre * * * The Journal of the American Medical Association Vol. 86, pp. 1339 and 1340, published the results of experiments determining the iodine content under the heading Salmon in a diet for the prophylaxis of goiter, and it is the author's conclusion that canned salmon, on account of its high iodine content, is a valuable food in a diet for the prevention of goiter."

On July 16, 1934, the Deming & Gould Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22847. Misbranding of canned cherries. U. S. v. 96 Cases of Canned Cherries. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 33026. Sample nos. 68936-A, 71314-A.)

This case involved a shipment of pitted cherries which fell below the standard promulgated by the Secretary of Agriculture, because of the presence of excessive pits, and which were not labeled to indicate that they were substandard.

On June 28, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 cases of canned cherries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about May 8, 1934, by G. P. Halferty & Co., from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Broadway Brand Water Pack Pitted Red Sour Cherries * * * Packed by C. & H. Packing Co. Everett, Wash."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On July 24, 1934, H. H. Schlotzhauer having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22848. Adulteration and misbranding of maraschino cherries. U. S. v. 406 Cases and 8 Cases of Cherries. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 33150. Sample nos. 301-B, 302-B, 335-B, 337-B, 338-B, 339-B, 391-B.)

This case involved shipments of maraschino cherries that contained undeclared artificial color, flavor, and sulphur dioxide. Portions of the product were short weight.

On July 30, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 414 cases of cherries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, in various shipments in part on or about March 4, March 22, and April 5, 1934, by the Falcon Packing Co., Inc., and in part on June 22, 1934, by Mawer Gulden Annis, Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The

article was labeled in part: (Bottle) "Newmark Brand Special Extra Maraschino Style Cherries M. A. Newmark & Co., Distributors, Los Angeles, Contents 3 Oz. Net [or "5 Oz. Net", "8 Oz. Net", "1 Lb. Net", or "1 Lb. 12 Oz. Net"]".

It was alleged in the libel that the article was adulterated in that artificially colored and flavored cherries containing sulphur dioxide had been substituted for natural cherries.

It was further alleged that the article was misbranded in that it was labeled so as to deceive and mislead the purchaser, owing to failure to declare added artificial color, flavor, and sulphur dioxide. Misbranding was alleged with respect to portions of the article for the further reason that the statements, "Contents 3 Oz. Net", "Contents 1 Lb. net", and "Contents 1 Lb. 12 Oz. net", were false and misleading and tended to deceive and mislead the purchaser, and for the further reason that the said portions were in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On August 2, 1934, the Falcon Packing Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant for relabeling, upon the execution of a bond in the sum of \$1,000, conditioned that it would not be disposed of in violation of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22849. Adulteration of butter. U. S. v. 21 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 33182. Sample no. 6921-B.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On July 26, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 14, 1934, by the Parkersburg Butter & Egg Shippers Association, from Parkersburg, Iowa, for the Kesley Cooperative Creamery Co., Kesley, Iowa, in pool car consigned to New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On July 31, 1934, the claimant having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22850. Misbranding of butter. U. S. v. 7 Cases of Butter. Decree of condemnation and destruction. (F. & D. no. 33186. Sample no. 73952-A.)

Sample packages of butter taken from the shipment involved in this case were found to contain less than 1 pound, the weight declared on the label.

On June 29, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven cases of butter at Hoquiam, Wash., consigned by Swift & Co., June 23, 1934, alleging that the article had been shipped in interstate commerce from Portland, Oreg., into the State of Washington, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Swift's Premium Quality Brookfield Butter Net Weight 1 lb."

It was alleged in the libel that the article was misbranded in that the statement "1 Lb. Net Weight" was false and misleading, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On August 4, 1934, Swift & Co., the sole intervenor, having interposed no objections to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22851. Adulteration and misbranding of butter. U. S. v. 20 Pounds of Butter. Default decree of destruction. (F. & D. no. 33188. Sample no. 3001-B.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On July 5, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 pounds of butter at Cincinnati, Ohio, consigned on or about June 28, 1934, alleging that the article had been shipped in interstate commerce, by Mary L. Burton, from Harper, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat, in that it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the article was sold as and purported to be butter, when it should contain not less than 80 percent by weight of milk fat.

On July 5, 1934, no claimant having appeared, the court having found that the product was spoiled and unfit for human consumption, judgment was entered ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22852. Adulteration of apples. U. S. v. 41 Baskets, et al., of Apples. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 33220, 33221. Sample nos. 5806-B, 5811-B.)

These cases involved two shipments of apples, one lot of which contained excessive arsenic and the other excessive arsenic and lead.

On July 18 and July 19, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 99 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 17 and July 18, 1934, by E. A. Mechling, from Moorestown, N. J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients, namely, arsenic in one lot, and arsenic and lead in the other, which might have rendered it harmful to health.

On August 6, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22853. Adulteration of butter. U. S. v. 37 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 33224. Sample no. 6914-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On July 19, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 11, 1934, by the Nebraska Cooperative Creamery Co., from Omaha, Nebr., for the Arnold Cooperative Creamery, Arnold, Nebr., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On August 3, 1934, S. & W. Waldbaum, Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$750, or the deposit of cash collateral in like amount, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22854. Adulteration of butter. U. S. v. 32 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 33225. Sample no. 6466-B.)

This case involved a shipment of butter which contained less than 80 percent by weight of milk fat.

On July 13, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 5, 1934, by the Nebraska Cooperative Creameries Co., from Omaha, Nebr., for the Gordon Cooperative Creameries Co., Gordon, Nebr., in pool car consigned to New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On July 18, 1934, the Gordon Cooperative Creamery Co., Gordon, Nebr., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22855. Adulteration of butter. U. S. v. 27 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 33226. Sample no. 6470-B.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On July 16, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about July 6, 1934, by the Farmers Cooperative Creamery, from Protivin, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On July 25, 1934, Lewis Ebert & Sons, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22856. Adulteration of butter. U. S. v. 112 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 33227. Sample no. 6784-B.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On July 14, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 112 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce,

on or about June 27, 1934, by Hi-Quality Dairy Products Co., from Kansas City, Mo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On July 26, 1934, the Columbia National Bank, Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22857. Adulteration of butter. U. S. v. 18 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 33228. Sample no. 6901-B.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On July 18, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about July 6, 1934, by the Collins Produce Co., from Owatonna, Minn., for Waseca Cooperative Creamery Co., Waseca, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On July 30, 1934, Waseca Cooperative Creamery Co., Waseca, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22858. Adulteration of butter. U. S. v. 19 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 33229. Sample no. 6456-B.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On July 10, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 30, 1934, by the Saratoga Creamery Co., from Saratoga, Iowa, through Maple Leaf Creamery Co., Ridgeway, Iowa, acting as agent, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On July 13, 1934, the Saratoga Creamery, Saratoga, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22859. Adulteration of butter. U. S. v. 8 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33230. Sample no. 6776-B.)

Samples of butter taken from the shipment involved in this case were found to contain mold, insects, rodent and human hair, and other filth.

On July 9, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about July 1, 1934, by the Beasley Produce Exchange, from Roanoke, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On July 31, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22860. Adulteration of butter. U. S. v. 66 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 33231. Sample no. 70765-A.)

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On July 5, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 23, 1934, by the Hi-Quality Dairy Products Co., from Kansas City, Mo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On July 10, 1934, the Hi-Quality Dairy Products Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22861. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 33233. Sample no. 70742-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On June 22, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about June 14, 1934, by the Farmers Cooperative Creamery Association, from Cresco, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On June 26, 1934, the Farmers Cooperative Creamery Assn., of Cresco, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22862. Adulteration of butter. U. S. v. 27 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 33234. Sample no. 70757-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On July 3, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about June 20, 1934, by Clark's Creamery, from Albion, Nebr., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On July 24, 1934, S. & W. Waldbaum, Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22S63. Adulteration of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 33235. Sample no. 6777-B.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On July 6, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about July 1, 1934, by Garst Bros. Dairy, Inc., from Roanoke, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On July 16, 1934, Viking Butter Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

22S64. Adulteration of butter. U. S. v. 48 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 33321. Sample no. 65749-A.)

This case involved an interstate shipment of butter which contained less than 80 percent of milk fat.

On or about July 14, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about June 22, 1934, by John Morrell & Co., from Sioux Falls, S. Dak., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of Congress of March 4, 1923.

On July 14, 1934, John Morrell & Co., Sioux Falls, S. Dak., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22865. Adulteration of huckleberries. U. S. v. 16 Crates of Huckleberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33364. Sample no. 7009-B.)

This case involved a shipment of huckleberries which were infested with maggots.

On August 1, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 crates of huckleberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 31, 1934, by Petrolle Bros., from Tresckow, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 16, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22866. Adulteration of blueberries. U. S. v. 26 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33365. Sample no. 7108-B.)

This case involved a shipment of blueberries which were found to be infested with maggots.

On July 30, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 28, 1934, by M. Kundrack from St. Clair, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 16, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22867. Adulteration of blueberries. U. S. v. 13½ Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33366. Sample no. 7002-B.)

This case involved a shipment of blueberries which were infested with maggots.

On July 30, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13½ crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 29, 1934, by F. S. Merlino, from Hammonton, N. J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 16, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22868. Adulteration of blueberries. U. S. v. 14 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33367. Sample no. 7112-B.)

This case involved a shipment of blueberries which were infested with maggots.

On August 2, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 1, 1934, by M. J. Elchisak, from Shenandoah, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 17, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22869. Adulteration of blueberries. U. S. v. 11 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33368. Sample no. 6883-B.)

This case involved a shipment of blueberries which were infested with maggots.

On July 27, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 26, 1934, by John F. Urban, from Mahanoy City, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 16, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22870. Adulteration of blueberries. U. S. v. 46 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33369. Sample no. 7011-B.)

This case involved a shipment of blueberries which were infested with maggots.

On August 2, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 2, 1934, by W. & J. Bliss, from Peckville, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 16, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22871. Adulteration of blueberries. U. S. v. 6 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33370. Sample no. 7107-B.)

This case involved a shipment of blueberries which were infested with maggots.

On July 30, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 28, 1934, by John Charney, from Hazelton, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 16, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22872. Adulteration of blueberries. U. S. v. 23 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33372. Sample no. 7111-B.)

This case involved a shipment of blueberries which were infested with maggots.

On August 1, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 23 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 31, 1934, by Walter Brower, from Chatsworth, N. J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 16, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22873. Adulteration of blueberries. U. S. v. 6 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33373. Sample no. 7005-B.)

This case involved a shipment of blueberries which were infested with maggots.

On July 31, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 30, 1934, by M. Bohorad & Sons, from Mahanoy City, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 16, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22874. Adulteration of butter. U. S. v. 126 Pounds of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33378. Sample no. 70613-A.)

This case involved a shipment of butter that contained rodent hairs and other filth.

On June 12, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 126 pounds of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 2, 1934, by the Beasley Produce Exchange, from Roanoke, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of filthy, decomposed, or putrid animal substances.

On July 3, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22875. Adulteration of butter. U. S. v. 182 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 33406. Sample no. 65747-A.)

This case involved a shipment of butter which contained less than 80 percent by weight of milk fat.

On or about July 9, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 182 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about June 20, 1934, by John Morrell & Co., from Sioux Falls, S. Dak., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On July 9, 1934, John Morrell & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

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Durand McNeil Horner Co.-----	22790	Casperson, L. O.-----	22720
National Fruit Products, Inc.-----	22748	Casperson, O., & Sons.-----	22720
Newmark, M. A., & Co.-----	22752	Challenge Cream & Butter As-	
Pacific Northwest Canning		sociation.-----	22719
Co.-----	22752, 22762	Clark's Creamery.-----	22862
Von Allmen Preserving Co.-----	22735, 22790	Collins Produce Co.-----	22857
chops :		Commercial Creamery Co.-----	22676
K. & H. Evaporating Co.-----	22681	Concordia Creamery Co.-----	22823
Royal Evaporating Co.-----	22700	Decorah Farms Creamery Co.-----	22837
Apples :		Delta Valley Creamery Co.-----	22715
Mechling, E. A.-----	22852	Edelstein Dairy Co., Inc.-----	22728
Riggs, L. McG.-----	22688	Eller, E. E., Produce Co.-----	22839
Skookum Packers Association.-----	22687	Ewing Cooperative Creamery	
evaporated :		Co.-----	22822
Loma Fruit Co.-----	22740	Fairmont Creamery Co.-----	22717
Rosenberg Bros. & Co.-----	22742	Farmers Cooperative Cream-	
Stone-Ordean-Wells Co.-----	22776	ery.-----	22855
Williams, A. B., Fruit Co.-----	22776	Farmers Cooperative Cream-	
Beverages and beverage bases :		ery Association.-----	22861
beer :		Farmers Cooperative Cream-	
American Brewing Co.-----	22797	ery Co.-----	22818
Jackson Brewing Co.-----	22798	Garst Bros. Dairy, Inc.-----	22863
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Easy Serve for Hot Chocolate :		eries Co.-----	22854
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kümmel :		Hayter, T. L.-----	22828
Allied Brewing & Distributing		Hi-Quality Dairy Products	
Co.-----	22775	Co.-----	22856, 22860
liqueurs :		Horn's Cash Store.-----	22814
Original Julius Marcus Labo-		Jerpe Commission Co.-----	22824
ratories.-----	22775	Kapp & Seibert.-----	22812
whisky :		Kesley Cooperative Creamery	
Alliance Distributors, Inc.-----	22841	Co.-----	22849
Alpha Distributing Co.-----	22713	Kyle Creamery Association.-----	22685
Boston Drug & Beverage Co.-----	22714	Leitzel, P. V.-----	22836
Clark's, Inc.-----	22773	Lynchburg Produce.-----	22813
Goldie, Edward J., Importa-		Maiden & Maiden.-----	22827
tion Co.-----	22712	Maple Leaf Creamery Co.-----	22858
Hercules Products & Distilling		Monroe City Creamery.-----	22821
Corporation.-----	22736	Morrell, John, & Co.-----	22864, 22875
Kolmer, Inc.-----	22734	Nebraska Cooperative Cream-	
Sherwood Distilling & Dis-		eries Co.-----	22854
tributing Co.-----	22741, 22773, 22792	Nebraska Cooperative Cream-	
United Liquor Co.-----	22713	eries, Inc.-----	22822
Blueberries :		Nebraska Cooperative Cream-	
Bliss, W. & J.-----	22870	ery Co.-----	22853
Bohorad, M., & Sons.-----	22873	New England Butter Whse.-----	22696
Brower, Walter.-----	22872	North American Creameries,	
Charney, John.-----	22871	Inc.-----	22696
Elchisak, M. J.-----	22868	Olson, G. A.-----	22829
Kundrack, M.-----	22866	Parkersburg Butter & Egg	
Merlino, F. S.-----	22867	Shippers Association.-----	22849
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Armour Creameries.-----	22816	Sponsler Bros.-----	22809, 22832
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Barutti, W. B., & Co.-----	22810	Thurmond, F. S.-----	22811
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Becwar Produce Co.-----	22716	Waseca Cooperative Cream-	
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Bentzel, F. S.-----	22830	Webster Cooperative Dairy	
Bentzel, Felix.-----	22833	Assoc.-----	22820
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Perry Canning Co.-----	22693
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Ray-Maling Co., Inc.-----	22710
Rival Foods, Inc.-----	22793
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Mawer Gulden Annis, Inc.-----	22848
Newmark, M. A., & Co.-----	22848
Chocolate coating:	
Gultard Chocolate Co.-----	22743
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Washington Chocolate Co.-----	22721
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Ohio Valley Coffee Corpora-	
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Rainbow Egg Colors-----	22744
Confectionery:	
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Beverages and beverage	
bases.	
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Butler Grain Co.-----	22844
Provegmin:	
Ronck & Bevis Co.-----	22761
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Bakou Importing & Exporting	
Co.-----	22783
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Libby, McNeill & Libby-----	22692
McGovern & McGovern-----	22704
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Red Salmon Canning Co.-----	22768
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tuna, canned:	
Halfhill Packing Corporation-----	22679
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Kellogg, H., & Sons-----	22679
Van Camp Sea Food Co., Inc.-----	22678
Grapes, dried:	
Enoch Packing Co.-----	22777
Memorie Fruits, Ltd.-----	22745
Vagim Packing Co.-----	22767
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erage bases.	
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Tsue Chong Co.-----	22772
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Rome Importing Co.-----	22757
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Taylor, W. A., & Co.-----	22808
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Britt, W. O.-----	22695
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Bonner Packing Co.-----	22732
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Wolf, Geo. E., Co.-----	22803	Inc.-----	22750
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Montegut Packing Co., Inc.-----	22707	Johnson Canning Co.-----	22749
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Leggett, Francis H., & Co.-----	22689	Brodsky, Abraham.-----	22690
Perry Canning Co.-----	22693	Fox Grocery Co.-----	22760
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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

U. S. Department of Agriculture

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

22876-22950

[Approved by the Secretary of Agriculture, Washington, D. C., February 20, 1935.]

22876. Adulteration and misbranding of potatoes. U. S. v. Leonard, Crosset & Riley, Inc. Pleas of guilty. Fines, \$300. (F. & D. nos. 29350, 29351, 29352, I. S. nos. 44794, 47294, 47751.)

These cases were based on shipments of potatoes which were labeled "U. S. Grade No. 1." Examination showed that the potatoes were below the grade specified because of excessive grade defects.

On December 29, 1932, May 10 and October 18, 1933, the United States attorney for the Eastern District of Michigan filed in the district court three informations against Leonard, Crosset & Riley, Inc., trading at Greenville, Mich., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 1, November 4, and December 1, 1931, from the State of Michigan into the States of Kentucky, West Virginia, and Ohio, respectively, of quantities of potatoes which were adulterated and misbranded. The article was labeled in part: "U. S. Grade No. 1 Good Luck Michigan Potatoes Leonard, Crosset & Riley Greenville, Mich."

The article was alleged to be adulterated in that potatoes of lower grade than United States grade Number One had been mixed and packed with and substituted for United States grade No. 1, which the article purported to be.

Misbranding was alleged for the reason that the statement, "U. S. Grade No. 1 * * * Potatoes", was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the potatoes were of a lower grade than United States No. 1.

On June 16, 1934, pleas of guilty were entered on behalf of the defendant company, and the court imposed a fine of \$100 on each of the three cases.

M. L. WILSON, *Acting Secretary of Agriculture.*

22877. Adulteration of apples. U. S. v. John D. Liles. Plea of guilty. Fine, \$5. (F. & D. no. 31395. Sample no. 17195-A.)

This case was based on an interstate shipment of apples that were found to bear excessive amounts of arsenic and lead.

On September 5, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John D. Liles, of Metz, Mo., trading at Bentonville, Ark., alleging shipment by said defendant, on or about September 30, 1932, from the State of Arkansas into the State of Missouri, of a quantity of apples which were adulterated.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On September 5, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$5.

M. L. WILSON, *Acting Secretary of Agriculture.*

22878. Adulteration of butter. U. S. v. Hill County Creamery Co. Plea of guilty. Fine, \$25. (F. & D. no. 31401. Sample no. 37247-A.)

This case was based on a shipment of butter that contained less than 80 percent by weight of milk fat.

On July 2, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court

an information against the Hill County Creamery Co., a corporation, Havre, Mont., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 19, 1933, from the State of Montana into the State of Washington, of a quantity of butter which was adulterated.

It was alleged that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On August 3, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22879. Misbranding of cottonseed cake or meal. U. S. v. Chickasha Cotton Oil Co. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 31410. Sample no. 19822-A.)

This case was based on an interstate shipment of cottonseed cake or meal that contained less protein and more fiber than declared on the label.

On August 14, 1934, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chickasha Cotton Oil Co., a corporation, trading at Lawton, Okla., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 23, 1932, from the State of Oklahoma into the State of Kansas, of a quantity of cottonseed cake or meal which was misbranded. The article was labeled in part: (Tag) "Chickasha Prime 43% Protein Cottonseed Cake or Meal Guaranteed Analysis Protein, not less than 43% * * * Crude Fiber, not more than 12% * * * Manufactured by or for Chickasha Cotton Oil Company, Chickasha, Okla."

The article was alleged to be misbranded in that the statements, "Guaranteed Analysis Protein, not less than 43% * * * Crude Fiber, not more than 12%", borne on the tag, were false and misleading, and in that it was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein and more than 12 percent of crude fiber, namely, 40.94 percent of protein, and 13.09 percent of crude fiber.

On September 6, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22880. Adulteration and misbranding of brown wheat shorts. U. S. v. Model Mill Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 31446. Sample nos. 14082-A, 14083-A, 14092-A, 18279-A, 18280-A.)

This case was based on interstate shipments of several lots of brown wheat shorts that contained less protein than declared on the label. Certain of the lots were deficient in fat, certain lots contained excessive fiber, and one lot contained added rice, rice bran, and starch.

On May 25, 1934, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Model Mill Co., a corporation, Jackson, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 20, September 26, November 26, and November 30, 1932, and January 27, 1933, from the State of Tennessee into the State of Mississippi, of quantities of brown wheat shorts which were misbranded, and one shipment of which was also adulterated. The article was labeled in part: "Model Brown Wheat Shorts With Ground Wheat Screenings, Manufactured by The Model Mill Company Jackson, Tennessee. Guaranteed Analysis Crude Protein, not less than 16.00%, Crude Fat, not less than 4.00% [or "3.75%"] * * * Ingredients Wheat Shorts, Ground Wheat Screenings."

One shipment of the article was alleged to be adulterated in that added undeclared substances, rice, rice bran, and starch, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article.

Misbranding of all shipments was alleged for the reason that the statements, "Guaranteed Analysis Crude Protein, not less than 16.00%" with respect to all lots, the statements, "Crude Fibre, not more than 7.00%" with respect to certain lots, "Crude Fat, not less than 4.00% [or "3.75%"]" with respect to certain lots, and "Ingredients: Wheat Shorts, Ground Wheat

Screenings", with respect to one lot, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since all lots contained less than 16 percent of protein, certain lots contained more than 7 percent of crude fiber, certain lots contained less than the declared amount of fat, namely, 4 percent or 3.75 percent, and one lot did not consist solely of wheat shorts and ground wheat screenings, but did consist in part of added undeclared rice and rice by-product, i. e., rice bran and starch.

On September 27, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22881. Adulteration of evaporated apple chops. U. S. v. Gilbert Apple Products Co., Inc. Plea of guilty. Fine, \$100. (F. & D. no. 31486. Sample no. 35428-A.)

This case was based on a shipment of apple chops, samples of which were found to be insect-infested, filthy, or rotten.

On April 16, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Gilbert Apple Products Co., Inc., Rochester, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 25, 1933, from the State of New York into the State of Illinois, of a quantity of evaporated apple chops which were adulterated.

The article was alleged to be adulterated in that it consisted in part of a decomposed and filthy vegetable and animal substance.

On September 18, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

22882. Adulteration of gray shorts. U. S. v. The Larabee Flour Mills Co. Plea of guilty. Fine, \$10. (F. & D. no. 31510. Sample no. 19824-A.)

This case was based on a shipment of alleged gray shorts which were found, upon examination, to consist of finely ground brown shorts containing more fiber than declared on the label.

On June 26, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Larabee Flour Mills Co., a corporation, trading at Kansas City, Mo., alleging shipment by said company, on or about November 4, 1932, from the State of Missouri into the State of Kansas of a quantity of alleged gray shorts which were adulterated. The article was labeled in part: (Tag) "Sunfed Winter Wheat Gray Shorts With Ground Wheat Screenings * * * Manufactured By The Larabee Flour Mills Company, Kansas City, Missouri Commander-Larabee Corporation, Owners, Minneapolis, Minnesota Guaranteed Analysis * * * Crude Fibre, not more than 6.00%."

The article was alleged to be adulterated in that a product, brown shorts which contained more than 6 percent of crude fiber, i. e., not less than 7.99 percent of crude fiber had been substituted for gray shorts containing not more than 6 percent of crude fiber, which the article purported to be.

On September 7, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

22883. Misbranding of macaroni. U. S. v. U. S. Macaroni Manufacturing Co. Plea of nolo contendere. Fine, \$100. (F. & D. no. 31518. Sample no. 37273-A.)

This case was based on a shipment of macaroni which was incorrectly marked as to the quantity of the contents, since the boxes contained less than declared on the label.

On April 28, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the U. S. Macaroni Manufacturing Co., a corporation, Spokane, Wash., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 1, 1933, from the State of Washington into the State of Idaho, of a quantity of macaroni which was misbranded. The article was labeled in part: (Box) "Maca-

roni 5 Lbs. Net Empire Brand Products * * * Mfd. By U. S. Macaroni Mfg. Co. Spokane, Wash."

The article was alleged to be misbranded in that the statement "5 Lbs. Net", borne on the box, was false and misleading, and in that it was labeled so as to deceive and mislead the purchaser, since the boxes contained less than 5 pounds net. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 4, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

22884. Misbranding of salad oil. U. S. v. 24 Cans of Salad Oil. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. no. 31863. Sample no. 66225-A.)

This case involved a product consisting largely of domestic cottonseed oil which was labeled to convey the impression that it was olive oil of foreign origin.

On January 23, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cans of salad oil at Hartford, Conn., alleging that the article had been shipped in interstate commerce, on or about October 28, 1933, by P. Esposito & Bro., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fine Oil La Gloriosa Brand * * * La Gloriosa Packing Co. P. E. & B. Inc. N. Y."

The article was alleged to be misbranded in that the statements, "La Gloriosa Brand", "Prize Awarded at Exhibition of Rome 1924", "Italy", and "Olio Finissimo", together with the designs of a crown, olive branches, and medal carrying the Italian national colors, and the prominence given to the words "Lucca Olive Oil," in the statement, "Pure and Delicious Oil Composed of Eighty Five Percent Choice Salad Oil and Fifteen Percent Lucca Olive Oil", (which statements, designs, and devices appeared on the label), were misleading and deceived and misled the purchaser, since they created the impression that the article was Italian olive oil, whereas it consisted largely of domestic cottonseed oil. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so.

On August 23, 1934, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions, in view of the fact that it was in good condition and fit for food.

M. L. WILSON, *Acting Secretary of Agriculture.*

22885. Adulteration and misbranding of butter. U. S. v. Shelby Creamery Co. Plea of guilty. Fine, 1 cent and costs. (F. & D. no. 32088. Sample no. 39200-A.)

This case was based on a shipment of butter that was deficient in milk fat and which was short weight.

On May 25, 1934, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Shelby Creamery Co., a corporation, Shelby, N. C., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about September 7, 1933, from the State of North Carolina into the State of Georgia, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Shelby Gilt Edge Creamery Butter * * * Shelby Creamery Company, Shelby, N. C. * * * One Pound net."

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged in that the statements, "Butter" and "One Pound Net", borne on the label of the package, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat,

and that the packages contained 1 pound thereof, whereas it contained less than 80 percent of milk fat and the packages contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 27, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of 1 cent and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22886. Alleged adulteration and misbranding of vinegar. U. S. v. Ludolph H. Haarmann (Twin Falls Vinegar Co.). Tried to a jury. Verdict of not guilty. (F. & D. no. 32121. Sample no. 36179-A.)

This case was based on an interstate shipment of vinegar that was alleged to be adulterated and misbranded because of deficiency in acid strength and failure to declare the quantity of the contents on the container.

On June 11, 1934, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ludolph H. Haarmann, trading as Twin Falls Vinegar Co., Twin Falls, Idaho, alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about March 31, 1933, from the State of Idaho into the State of Utah, of a quantity of vinegar that was adulterated and misbranded. The article was invoiced as "60 gr. Vinegar."

It was alleged in the information that the article was adulterated in that vinegar materially below 60 grains in acid strength had been substituted for vinegar of 60 grains acid strength, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 25, 1934, the case having come on for trial before the court and a jury, a verdict of not guilty was returned.

M. L. WILSON, *Acting Secretary of Agriculture.*

22887. Adulteration and misbranding of bread. U. S. v. Purity French Bakery & Macaroni Factory and Reno French Bakery, Inc. Plea of guilty. Fine, \$120. (F. & D. no. 32127. Sample nos. 23082-A, 23791-A, 23792-A.)

This case was based on interstate shipments of alleged entire wheat bread and alleged milk bread. Examination showed that the former had not been made from entire wheat flour and that the latter was deficient in milk solids. The quantity of the contents was not declared on the labels.

On June 21, 1934, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Purity French Bakery & Macaroni Factory and Reno French Bakery, Inc., Reno, Nev., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about April 20, June 6, and June 7, 1933, from the State of Nevada into the State of California, of quantities of bread which was misbranded and part of which was also adulterated. The article was labeled in part: "Life-O-Wheat Bread 100% Entire Wheat Flour * * * Purity French Bakery, Reno, Nevada"; "Purity Milk Made Bread * * * Purity French Bakery, Reno, Nev."

Adulteration of one shipment of the "Life-O-Wheat" bread and the shipment of "Milk Made" bread was alleged in that bread made from flour not 100 percent entire wheat flour had been substituted for bread made solely, as to flour, from 100 percent entire wheat flour; and in that bread deficient in milk solids had been substituted for milk-made bread.

Misbranding of the "Life-O-Wheat" bread was alleged for the reason that the statement, "100% Entire Wheat Flour", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it had not been made from 100 percent entire wheat flour, but was made in part of flour other than 100 percent entire wheat flour. Misbranding of the "Milk Made" bread was alleged for the reason that the statement, "Milk Made Bread", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was bread made from milk as the sole liquid com-

ponent, or its equivalent in milk solids and water in the proportion normal to milk; whereas it was not, but was bread deficient in milk solids; and for the further reason that the article was offered for sale under the distinctive name of another article, milk-made bread. Misbranding was alleged with respect to all shipments for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 10, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$120.

M. L. WILSON, *Acting Secretary of Agriculture.*

22888. Misbranding of currant jelly. U. S. v. The Red Wing Co., Inc. Plea of guilty. Fine, \$100. (F. & D. no. 32151. Sample no. 47165-A.)

Sample jars of currant jelly taken from the shipment on which this case was based were found to contain less than 10 ounces, the labeled weight.

On September 4, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Red Wing Co., Inc., trading at Fredonia, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 2, 1933, from the State of New York into the State of Massachusetts, of a quantity of currant jelly which was misbranded. The article was labeled in part: "Red Wing Pure Currant Jelly 10 Ozs. Avd. Net. The Red Wing Company, Inc. Fredonia, N. Y."

The article was alleged to be misbranded in that the statement, "10 ozs. Avd. Net.", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of the jars contained less than 10 ounces of the article.

On September 17, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

22889. Misbranding of canned cherries. U. S. v. Victor Food Corporation. Plea of guilty. Fine, \$25. (F. & D. no. 32164. Sample no. 51327-A.)

Sample cans of cherries taken from the shipment involved in this case were found to contain less than 1 pound 5 ounces, the weight declared on the label.

On September 4, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Victor Food Corporation, Victor, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about July 31, 1933, from the State of New York into the State of New Jersey, of a quantity of canned cherries which were misbranded. The article was labeled in part: "Hersh's Best Brand * * * Pitted Red Cherries * * * L. F. Hersh & Bro. Distributors, Elizabeth, N. J. Contents 1 Lb. 5 ozs."

The article was alleged to be misbranded in that the statement, "Contents 1 lb. 5 ozs.", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of the cans contained less than 1 pound 5 ounces.

On September 11, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22890. Adulteration of cauliflower. U. S. v. Elmer G. Hartner and Calvin W. Kunz (Western Vegetable Distributors). Plea of guilty. Fine, \$100. (F. & D. no. 32171. Sample nos. 42649-A, 42746-A.)

This case was based on interstate shipments of cauliflower which was found to bear arsenic in an amount that might have rendered it injurious to health.

On July 9, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Elmer G. Hartner and Calvin W. Kunz, copartners, trading as the Western Vegetable Distributors, Denver, Colo., alleging shipment by said defendants on or about July 20, 1933, from the State of Colorado into the State of Ohio, and on or about July 26, 1933, from the State of Colorado into the State of Oklahoma, of quantities of cauliflower which was adulterated. A portion of the article was labeled in part: "Rose Del Rancho, Western Vegetable Distributors * * * Denver Colo."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, which might have rendered it injurious to health.

On August 10, 1934, a plea of guilty was entered and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

22891. Misbranding of cottonseed cake. U. S. v. The Norman Oil Mill Co. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 32194. Sample no. 57530-A.)

Sample sacks of cottonseed cake taken from the shipment on which this case was based were found to contain less than 100 pounds, the weight declared on the label.

On June 25, 1934, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Norman Oil Mill Co., a corporation, Norman, Okla., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about October 21, 1933, from the State of Oklahoma into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: (Tag) "100 pounds net, 43% Cottonseed Meal or Cake The Norman Oil Mill Co., Norman, Okla."

The article was alleged to be misbranded in that the statement, "100 pounds net", borne on the tag, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of the sacks contained less than 100 pounds of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On August 3, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

22892. Misbranding of cottonseed meal. U. S. v. Chickasha Cotton Oil Co. (Hollis Cotton Oil Mill). Plea of guilty. Fine, \$100 and costs. (F. & D. no. 32212. Sample nos. 19834-A, 19842-A, 19844-A, 19847-A.)

This case was based on several shipments of cottonseed meal. Short-weight sacks of meal were found in all shipments. The product in one shipment was also low in protein.

On July 23, 1934, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chickasha Cotton Oil Co., a corporation, trading as the Hollis Cotton Oil Mill, Hollis, Okla., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 7, July 26, August 2, and August 5, 1933, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed meal which was misbranded. Certain shipments were labeled in part: (Tag) "Weight 100 Pounds Net 'Chickasha Prime' Cottonseed Cake or Meal * * * Guaranteed Analysis Protein not less than 43 per cent." One shipment was labeled in part: "100 Pounds Net Chickasha Prime 43% Protein Cottonseed cake or Meal * * * Manufactured by or for Chickasha Cotton Oil Company, Chickasha, Okla."

The article was alleged to be misbranded in that the statements, "Weight 100 Pounds Net [or "100 pounds Net"]", with respect to all lots, and the statement, "Guaranteed Analysis Protein not less than 43 per cent", with respect to one lot, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since a large number of sacks in each shipment were found to contain less than 100 pounds, and the product in one shipment contained less than 43 percent of protein.

On September 6, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100, and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22893. Misbranding of olive oil. U. S. v. 34 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32236. Sample no. 67412-A.)

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than 1 gallon, the labeled volume.

On March 5, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court

a libel praying seizure and condemnation of 34 cans of olive oil at Newark, N. J., alleging that the article had been shipped in interstate commerce, on or about February 1, 1934, by A. Corrao, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "One Gallon Net La Prosperita Brand Superfine Lucca Virgin Olive Oil Imported by D. Prospero Newark, N. J."

The article was alleged to be misbranded in that the statement on the label, "One Gallon Net", was false and misleading and tended to deceive and mislead the purchaser; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 26, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22894. Misbranding of canned cherries. U. S. v. 60 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 82384. Sample no. 60813-A.)

This case involved a product labeled, "Pitted Cherries", which fell below the standard established by this Department because of the presence of excessive pits, and which were not labeled to indicate that they were substandard.

On March 16, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 cases of canned cherries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about March 10, 1934, by the Eugene Fruit Growers Association, from Portland, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Mountain Home * * * Water Pack Red Sour Pitted Cherries, Haas Bros., distributors."

The article was alleged to be adulterated in that it was canned food, and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because it contained an excessive number of pits, and its package or label failed to bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On September 27, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22895. Misbranding of process butter. U. S. v. 5 Cases and 10 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32377. Sample nos. 61944-A, 61945-A.)

Sample packages of butter taken from the shipment in this case were found to be short weight.

On February 8, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of process butter at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about January 31, 1934, by the Cloverleaf Butter Co., from Birmingham, Ala., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Pound Net [or "1 Lb. Net Weight"] Cloverleaf Creamery Co."

It was alleged in the libel that the article was misbranded in that the statements on the labels, "One Pound Net" and "1 Lb. Net Weight", were false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On June 9, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered and the product was ordered sold. On August 30, 1934, an amended decree was entered ordering it destroyed, since it had not been sold and was no longer fit for consumption.

M. L. WILSON, *Acting Secretary of Agriculture.*

22896. Adulteration of tomato paste. U. S. v. 75 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32390. Sample nos. 61745-A, 61760-A.)

This case involved tomato paste that contained excessive mold.

On March 19, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 cases of tomato paste at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, on or about December 26, 1933, and January 27, 1934, by the Italian Food Products Co., Inc., from Long Beach, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tomato Paste Mariuccia * * * Packed by Italian Food Products Co., Inc., Long Beach, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On April 3, 1934, on petition of the intervenor, an order was entered permitting the taking of samples of the stock. On September 7, 1934, no answer having been filed, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22897. Adulteration of canned sardines. U. S. v. 47 Cases and 253 Cases of Canned Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32401, 32442. Sample nos. 41997-A, 72252-A, 72253-A, 72256-A.)

These cases involved shipments of canned sardines that were in part decomposed.

On April 2 and April 5, 1934, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 300 cases of canned sardines at Denver, Colo., consigned by the California Packing Corporation, alleging that the article had been shipped in interstate commerce, on or about October 4, 1933, from Alameda, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Del Monte Brand California Sardines, California Packing Corp. Main Office San Francisco, California."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On August 8, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22898. Adulteration of canned sardines. U. S. v. 10 Cases of Canned Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32408. Sample no. 62720-A.)

This case involved a shipment of canned sardines that were in part decomposed.

On March 21, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of canned sardines at Rochester, N. Y., consigned by the California Packing Corporation, San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about November 4, 1933, from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Madison's Ideal Brand California Sardines * * * California Packing Corporation, Main Office, San Francisco, Calif."

The libel alleged that the article was adulterated in that it consisted in part of a decomposed animal substance.

On September 24, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22899. Misbranding of grape sugar, assorted wine flavors. U. S. v. 600 Packages of Grape Sugar, Assorted Flavors, Dry Type Wine Taste. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32417. Sample no. 59250-A.)

This case involved products represented to be grape sugar flavored with various wine flavors, but which consisted of artificially flavored and artificially

colored corn sugar with a small proportion of concentrated grape juice. The product was also short weight.

On March 23, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 packages of grape sugar, assorted wine flavors, at St. Louis, Mo., alleging that the articles had been shipped in interstate commerce on or about February 1, 1934, by Grapesugar, Ltd., from Burbank, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Misbranding of the articles was alleged in that the statements on the label, "Grapesugar Sauterne [or "Zinfandel", "Muscatel", "Port", "Sherry", or "Burgundy"] Flavor * * * Wine Taste Directions for Wine Net Wt. 1 lb.", were false and misleading and tended to deceive and mislead the purchaser, since they consisted of artificially flavored and artificially colored corn sugar with a small proportion of concentrated grape juice, and since they were short weight. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles, and for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 21, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the products was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22900. Adulteration of tomato catsup. U. S. v. 587 Cases of Tomato Catsup. Default decree of destruction. (F. & D. no. 32520. Sample no. 41850.)

This case involved a shipment of tomato catsup that contained excessive mold.

On April 10, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an amended libel (original libel filed April 9, 1934) praying seizure and condemnation of 587 cases of tomato catsup at St. Paul, Minn., alleging that the article had been shipped in interstate commerce, on or about March 10, 1934, by the Frazier Packing Corporation, from Elwood, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Frazier's Supervine Tomato Catsup * * * Frazier Packing Corp., Elwood, Indiana."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On August 27, 1934, no claimant having appeared, judgment was entered ordering destruction of the product.

M. L. WILSON, *Acting Secretary of Agriculture.*

22901. Adulteration and misbranding of Chinese noodles. U. S. v. 15 Cases of Chinese Noodles. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32582, Sample no. 71306-A.)

This case involved a shipment of Chinese noodles that were found to contain excessive moisture and to be short weight.

On April 23, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of Chinese noodles at Wenatchee, Wash., alleging that the article had been shipped in interstate commerce on or about April 12, 1934, by the Republic Noodle Factory, from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Red Triangle Brand Chinese Noodles."

The article was alleged to be adulterated in that a product containing excessive moisture had been substituted for the said article.

Misbranding was alleged in that the statement, "net weight six ozs.", was false and deceived and misled the purchaser, and, further, in that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On August 25, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22902. Misbranding of canned crab meat. U. S. v. 15 Cases of Anderson Crab Meat. Default decree adjudging product misbranded and providing for its release under bona, or for destruction. (F. & D. no. 32659. Sample no. 60497-A.)

Sample jars of crab meat taken from the shipment involved in this case were found to contain less than 8 ounces, the weight declared on the label.

On May 2, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of crab meat at Butte, Mont., alleging that the article had been shipped in interstate commerce, on or about April 20, 1934, by the Corvallis Creamery Co., from Portland, Oreg., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Jar) "Anderson Crabmeat Net Weight 8 Oz.—Packed by Anderson Crab Market, Waldorf, Ore."

The article was alleged to be misbranded in that the statement on the label, "Contents 8 Oz.", was false and misleading and tended to deceive and mislead the purchaser, since the jars contained less than 8 ounces of the article.

On October 1, 1934, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be destroyed unless claimant appear and file a bond within 10 days, conditioned that it would not be sold or disposed of contrary to the provisions of the Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

22903. Adulteration of canned spinach. U. S. v. 37 Cases of Canned Spinach. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32702. Sample no. 61826-A.)

This case involved a shipment of canned spinach, samples of which were found to contain botulinus toxin.

On May 16, 1934, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cases of canned spinach at Houston, Tex., alleging that the article had been shipped in interstate commerce, on or about March 26, 1934, by the Tri-Valley Packing Association, from Alameda, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "California's Nugget Brand Spinach * * * California Cooperative Producers, San Francisco, Cal."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On September 28, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22904. Misbranding of canned tomatoes. U. S. v. 625 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32714. Sample nos. 67709-A, 69753-A.)

This case involved a shipment of canned tomatoes that fell below the standard established by this Department, because of lack of color, and which was not labeled to indicate that it was substandard.

On May 16, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 625 cases of canned tomatoes at Jersey City, N. J., alleging that the article had been shipped in interstate commerce, on or about April 4, 1934, by the Eckerson Fruit Cannery, Inc., from Sanford, Fla., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Eckerson's Hand Packed Tomatoes * * * Packed by Eckerson Fruit Cannery, Inc., Executive Office Jersey City, N. J."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of lack of proper color, and the package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On September 4, 1934, the Eckerson Fruit Cannery, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released to the claimant upon payment of costs

and the execution of a bond in the sum of \$836, conditioned that it be relabeled in compliance with the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

22905. Adulteration and misbranding of whisky. U. S. v. 26 Pint Bottles of Whisky. Default decree of condemnation. (F. & D. no. 32743. Sample no. 62236-A.)

This case involved a product labeled "Whiskey", but which consisted of an artificially flavored and colored pomace and raisin brandy.

On May 22, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 26 pint bottles of whisky at Washington, D. C., alleging that the article was in possession of the Park Lane Pharmacy, Washington, D. C., and was being offered for sale and sold in the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "13 Years Old Blue Ridge Whiskey Bottled by The Sherwood Distilling and Distributing Co. Baltimore, Md."

The article was alleged to be adulterated in that a pomace and raisin brandy which had been stored in charred wood and which was artificially flavored and colored, had been substituted for whisky, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and for the further reason that the statement on the label, "Whiskey", was false and misleading and tended to deceive and mislead the purchaser.

On September 26, 1934, no claimant having appeared, judgment of condemnation was entered and the court ordered that the product be disposed of in such manner as would not violate the provisions of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22906. Adulteration of apple butter. U. S. v. 23 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32750. Sample nos. 66617-A, 66618-A.)

This case involved a shipment of apple butter that contained lead in an amount that might have rendered it injurious to health.

On May 25, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cases of apple butter at Pueblo, Colo., consigned by the Allison-Bedford Co., Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about July 25, and November 18, 1933, from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Glencrest Fancy Apple Butter * * * Allison-Bedford Co. Chicago, Ill." The remainder was labeled in part: "I. G. A. Brand Apple Butter Packed for Independent Grocers Alliance Distributing Co., Chicago, Ill."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On August 3, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22907. Misbranding of canned peas. U. S. v. 47 Cases of Canned Peas. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 32797. Sample no. 61855-A.)

This case involved a shipment of canned peas that were slack filled and that were not labeled to indicate that they were substandard.

On June 8, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 47 cases of canned peas at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about January 15, 1934, by the Minnesota Valley Canning Co., from Blue Earth, Minn., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Artesian

Brand Early June Peas * * * Packed by Minnesota Valley Canning Co., Le Sueur, Minn."

The article was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On September 17, 1934, the Minnesota Valley Canning Co., Inc., Le Sueur, Minn., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be relabeled in compliance with the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

22908. Adulteration and misbranding of shelled peanuts. U. S. v. 75 Bags of Shelled Peanuts. Consent decree of condemnation and forfeiture. Product released under bond, conditioned that it should not be sold for human consumption. (F. & D. no. 32806. Sample no. 72259-A.)

This case involved a shipment of shelled peanuts that were dirty and below the grade specified on the label.

On June 5, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 bags of shelled peanuts at Denver, Colo., consigned by the Woldert Peanut Products Co., alleging that the article had been shipped in interstate commerce, on or about May 2, 1934, from Hugo, Okla., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "No. 2 Hand Picked Wolco Brand Spanish Shelled Peanuts Woldert Peanut Products Co., Dublin, Texas, and Hugo, Oklahoma."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

Misbranding was alleged in that the statement on the label, "No. 2", was false and misleading and tended to deceive and mislead the purchaser.

On August 1, 1934, the Woldert Peanut Products Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and the court ordered that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be correctly labeled, and that it not be sold for human consumption.

M. L. WILSON, *Acting Secretary of Agriculture.*

22909. Adulteration of apples. U. S. v. 192 Boxes and 420 Baskets of Apples. Decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. no. 33739. Sample nos. 442-B, 443-B.)

This case involved a shipment of apples that bore arsenic and lead in amounts that might have rendered them injurious to health.

On September 22, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 192 boxes and 420 baskets of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about September 15, 1934, by E. O. Muir & Co., from Payson, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled, "Page Orchards Jonathan Apples * * * Payson, Utah."

The article was alleged to be adulterated in that it contained added poisonous ingredients, arsenic and lead, which might have rendered it injurious to health.

On September 26, 1934, E. O. Muir, having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released under a bond in the sum of \$500, conditioned that it would not be sold or otherwise disposed of in violation of the law. On October 4, 1934, the apples having been reconditioned, final decree was entered ordering that the bond be exonerated upon payment of costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22910. Adulteration of dried prunes. U. S. v. 63 Cases of Dried Prunes. Default decree of forfeiture and destruction. (F. & D. no. 32808. Sample no. 71228-A.)

This case involved a shipment of dried prunes that were found to be moldy and to contain excessive moisture.

On June 4, 1934, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63 cases of dried prunes at Moscow, Idaho, alleging that the article had been shipped in interstate commerce, on or about March 22, 1934, by the General Grocery Co., from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Orchard Run * * * Sweet Prunes * * * Jory Packing Company, Salem, Oregon."

The article was alleged to be adulterated in that a product containing excessive water had been substituted for dried prunes which the article purported to be, and in that it consisted wholly or in part of a decomposed vegetable substance.

On August 9, 1934, no claimant having appeared, judgment of forfeiture was entered and destruction of the product was ordered.

M. L. WILSON, Acting Secretary of Agriculture.

22911. Adulteration of canned black raspberries. U. S. v. 40 Cases of Canned Black Raspberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32817. Sample nos. 48231-A, 47664-A.)

This case involved a shipment of canned black raspberries, samples of which were found to be moldy.

On June 5, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cases of canned black raspberries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about March 17, 1934, by the Valley Fruit Canning Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Heep Full Brand Black Raspberries. * * * Packed by Valley Fruit Canning Co., Puyallup, Wash."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On September 27, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, Acting Secretary of Agriculture.

22912. Misbranding of canned cherries. U. S. v. 250 Cases of Canned Cherries. Product released under bond to be relabeled. (F. & D. no. 32821. Sample no. 62433-A.)

This case involved a product, labeled "Pitted Cherries", that fell below the standard established by this Department because of the presence of excessive pits, and that was not labeled to indicate that it was substandard.

On June 7, 1934, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 250 cases of canned cherries at Norfolk, Va., alleging that the article had been shipped in interstate commerce, on or about April 26, 1934, by the Geneva Preserving Co., from Geneva, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Ribbon Red Sour Pitted Cherries * * * Geneva Preserving Co., Geneva, * * * N. Y."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because it contained an excessive number of pits, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On July 31, 1934, the Geneva Preserving Co., having appeared as claimant, judgment was entered ordering that the product be released under a bond conditioned that it be labeled "Partially Pitted Cherries", and that claimant pay costs of the proceedings.

M. L. WILSON, Acting Secretary of Agriculture.

22913. Misbranding of preserves and orange marmalade. U. S. v. 15 Cases of Raspberry Preserves, et al. Products released under bond to be relabeled. (F. & D. nos. 32822, 32975. Sample nos. 72357-A, 72359-A, 72361-A, 72387-A, 72389-A, 72391-A.)

Sample jars of preserves and marmalade taken from the shipments involved in these cases were found to contain less than 1 pound, the labeled weight.

On June 6 and June 19, 1934, the United States attorney for the District of Utah, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 15 cases of raspberry preserves, 136 cases of strawberry preserves, 67 cases of assorted preserves, and 27 cases of orange marmalade at Salt Lake City, Utah, alleging that the articles had been shipped in interstate commerce, in various consignments between April 20, 1933, and October 10, 1933, by the National Fruit Canning Co., from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: (Jars) "Contents 1 Lb. Valamont Brand Pure Raspberry [or "Strawberry", "Pineapple", "Peach", "Cherry", or "Apricot-Pineapple"] Preserves [or "Orange Marmalade"] National Fruit Canning Co., Seattle, Wash."

The articles were alleged to be misbranded in that the statement on the labels, "Contents One Lb.", was false and misleading and tended to deceive and mislead the purchaser, since all products, with the exception of the apricot-pineapple preserves in one of the assorted lots, were found to be short weight. Misbranding was alleged for the further reason that the articles, with the exception of the said apricot-pineapple preserves, were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

The National Fruit Canning Co. filed a claim and answer admitting the allegations of the libels, filed good and sufficient bonds in conformity with the law, and petitioned release of the property. On July 14, 1934, decrees were entered ordering the products released to the claimant to be relabeled, and taxing costs against claimant.

M. L. WILSON, *Acting Secretary of Agriculture.*

22914. Misbranding of canned mixed vegetables. U. S. v. 130 Cases of Canned Mixed Vegetables. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32861. Sample no. 64522-A.)

This case involved a product which was represented to consist of a large variety of vegetables. Examination showed that it consisted essentially of a mixture of carrots and potatoes, with small amounts of other vegetables.

On or about June 15, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 130 cases of canned mixed vegetables at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about May 14, 1934, by the Larsen Co., from Green Bay, Wis., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Savoy Mixed Vegetables * * * Steele Wedeles Co., Distributors, Chicago, Ills."

It was alleged in the libel that the article was misbranded in that the design on the label, which included prominent pictorial representations of white corn, carrots, peas, lima beans, green string beans, celery, a turnip, a tomato, and two rather small potatoes, was false and misleading and tended to deceive and mislead the purchaser, since it consisted chiefly of potatoes and carrots, no tomatoes or turnips were present, and yellow corn instead of white corn was present.

On August 3, 1934, Steele-Wedeles Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22915. Misbranding of peanut butter. U. S. v. 175 Cases of Peanut Butter. Default decree of condemnation. Product delivered to welfare organizations. (F. & D. nos. 32862 to 32866, incl. Sample nos. 38879-A, 38884-A.)

Sample jars of peanut butter taken from the shipment involved in this case were found to contain less than 9 ounces, the weight declared on the label.

On June 12, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 175 cases of peanut butter, in part at Los Angeles, Calif., and in part at Long Beach, Calif., alleging that the article had been shipped in interstate commerce, on or about May 19, 1934, by Preserves & Honey, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Princess Pat Peanut Butter Contents 9 Oz. Williamson Candy Co. Chicago-Brooklyn."

The libel alleged that the article was misbranded in that the statement "Contents 9 Oz." was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On August 7, 1934, no claimant having appeared for the property, judgment of condemnation was entered and the product was ordered delivered to charitable or welfare organizations in view of the fact that it was fit for human consumption.

M. L. WILSON, *Acting Secretary of Agriculture.*

22916. Adulteration and misbranding of egg noodles. U. S. v. Walker Products Co., Inc. Plea of guilty. Fine, \$10. (F. & D. no. 32903. Sample no. 44142-A.)

This case was based on a shipment of alleged egg noodles. Examination showed that the product contained less egg solids than egg noodles should contain.

On August 18, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Walker Products Co., Inc., Indianapolis, Ind., alleging shipment by said company, on or about August 5, 1933, from the State of Indiana into the State of Maryland, of a quantity of alleged egg noodles which were adulterated and misbranded. The article was invoiced as "Egg Noodles" and was sold under a contract calling for egg noodles.

The article was alleged to be adulterated in that imitation egg noodles containing less egg solids than egg noodles contain, had been substituted for egg noodles, which the article purported to be.

Misbranding was alleged for the reason that the article was an imitation of another article, and was offered for sale under the distinctive name of another article, egg noodles.

On September 8, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

22917. Adulteration of walnut meats. U. S. v. L. Demartini Supply Co. Plea of guilty. Fine, \$50. (F. & D. no. 32908. Sample nos. 45388-A, 64057-A.)

This case was based on interstate shipments of walnut meats, samples of which were found to be rancid, moldy, or insect-infested.

On August 29, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the L. Demartini Supply Co., a corporation, San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 2, 1933, from the State of California into the State of Illinois, and on or about December 5, 1933, from the State of California into the State of Idaho, of quantities of walnut meats which were adulterated. A portion of the article was labeled in part: "Packed by L. Demartini Supply Co., San Francisco, Calif."

The information alleged that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance, due to the high rancidity of a large percentage of one shipment, and mold and infestation with worms in the other.

On August 31, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

22918. Adulteration and misbranding of butter. U. S. v. 10 Boxes of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32921. Sample no. 55095-A.)

This case involved a quantity of butter that was deficient in milk fat and which was short weight.

On June 18, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 boxes of butter which had been delivered to the dock at Seattle, Wash., on or about June 12, 1934, by the Washington Creamery Co., Seattle, Wash., for shipment in interstate commerce to Alaska, and alleging that the article was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Blue Ribbon Brand Butter One Pound Distributed by Washington Creamery Company, Seattle, Washington"; (print) "4 Oz. Net."

The libel alleged that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the statements, "Butter", "One Pound", and "4 Oz. Net", borne on the labels, were false and misleading, since the product contained less than 80 percent of milk fat and the packages contained less than the amount declared. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements were incorrect.

On September 22, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22919. Adulteration of butter. U. S. v. 15 Cases and 24 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32939. Sample nos. 66517-A, 66519-A.)

This case involved a shipment of butter, samples of which were found to contain mold, portions of insects, rodent hair, and other extraneous matter.

On June 20, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 cases, each containing 32 pounds of butter, at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about June 9, 1934, by the Fort Worth Poultry & Egg Co., Inc., from Fort Worth, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fort Worth, Tex. * * * Springbrook Country Rolls [or "Springbrook Parchment"]."

The product was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 5, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22920. Adulteration and misbranding of butter. U. S. v. 15 Cases, et al., of Butter. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32940-A, 32940-B. Sample nos. 66561-A, 66562-A.)

These cases involved butter, samples of which were found to contain mold, fragments of insects, and other extraneous matter. The product was also short weight.

On June 26, 1934, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 30 cases each containing 30 cartons, and 29 cases each containing 10 cartons of butter, at Baton Rouge, La., alleging that the article had been shipped in interstate commerce, on or about June 15, 1934, by the Brookhaven Creamery Co., from Brookhaven, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled in part: (Carton)

"Brookhaven Fancy Creamery Butter One Pound Net * * * Brookhaven Creamery Co., Inc., Brookhaven, Gloster, Natchez, Miss." The remainder was labeled in part: (Carton) "Hormel Good Food Dairy Brand Creamery Butter One Pound Net * * * Geo. A. Hormel & Co., Distributors."

The product was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

Misbranding was alleged in that the statement "One Pound Net", borne on the carton, was false and misleading and deceived and misled the purchaser, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On August 18, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22921. Adulteration and misbranding of egg noodles. U. S. v. 10 Cases and 5 Cases of Egg Noodles. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32964. Sample nos. 47676-A, 47677-A.)

This case involved shipments of alleged egg noodles that were deficient in egg solids and were artificially colored with a yellow color.

On June 18, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of egg noodles at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about February 8 and March 21, 1932 (1934) by the Mikado Noodle Factory, from Ogden, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Mikado Brand Egg Noodles * * * Mfd. by Mikado Noodles Factory, * * * Ogden, Utah."

It was alleged in the libel that the article was adulterated in that a substance containing less egg solids than egg noodles should contain had been substituted for egg noodles, which the article purported to be, and in that the article had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statement on the label, "Egg Noodles", was false and misleading and tended to deceive and mislead the purchaser, and in that the article was an imitation of and was offered for sale under the distinctive name of another article.

On September 27, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22922. Adulteration of frozen eggs. U. S. v. 356 Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be denatured. (F. & D. no. 33003. Sample no. 70805-A.)

This case involved frozen eggs which were found to be partially decomposed.

On June 27, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 356 cans of frozen eggs at Jersey City, N. J., alleging that the article had been shipped in interstate commerce, on or about April 23, 1934, by Swift & Co., from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

The libel alleged that the article was adulterated in that it consisted in part of a decomposed animal substance.

On August 3, 1934, Swift & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be denatured with kerosene so that it could not be disposed of for human consumption.

M. L. WILSON, *Acting Secretary of Agriculture.*

22923. Adulteration of canned sardines. U. S. v. 199 Cases of Sardines. Default decree of destruction. (F. & D. no. 33017. Sample no. 49177-A.)

This case involved a shipment of canned sardines that were under processed and undergoing active decomposition.

On or about July 2, 1934, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 199 cases of canned sardines at Vidalia, Ga., alleging that the article had been shipped in interstate commerce on or about September 2, 1933, by Wass & Stinson Canning Co., from Prospect Harbor, Maine, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Beach Cliff Brand Maine Sardines * * * Packed by Wass & Stinson Canning Co., Prospect Harbor, Maine."

It was alleged that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On July 30, 1934, no claimant having appeared, judgment was entered ordering destruction of the product.

M. L. WILSON, *Acting Secretary of Agriculture.*

22924. Adulteration of butter. U. S. v. 87 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond; unfit portion denatured. (F. & D. no. 33379. Sample no. 70612-A.)

This case involved a shipment of butter, samples of which were found to contain parts of insects, rodent, cow and human hairs, mold, and other filth.

On June 11, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 87 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about June 2, 1934, by the Beasley Produce Exchange, from Roanoke, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On July 27, 1934, the Viking Butter Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that the unfit portion be denatured and disposed of as poultry feed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22925. Adulteration of butter. U. S. v. 5 Barrels and 5 Tierces of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 81898. Sample nos. 51965-A, 66021-A.)

This case involved shipments of butter that contained mold and miscellaneous filth.

On January 15, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5 barrels and 5 tierces of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, in various lots, on or about May 15, May 18, and May 23, 1933 by N. J. Snook, from Hagerstown, Md., and charging adulteration in violation of the Food and Drugs Act.

The libel alleged that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On February 10, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22926. Adulteration and misbranding of alleged Scotch whisky. U. S. v. 76 Bottles, et al., of Vat 6 Scotch Whisky. Decrees of condemnation. Portion of product released under bond to be relabeled. Remainder destroyed. (F. & D. nos. 32037, 32038, 32071, 32080. Sample nos. 46611-A, 46612-A, 58255-A, 58256-A, 58261-A, 58262-A, 58265-A, 58266-A.)

These cases involved alleged Scotch whisky which consisted in whole or in part of diluted alcohol of domestic origin.

On March 1 and March 3, 1934, the United States attorneys for the Districts of Rhode Island and the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 112 cases and 92 bottles of alleged Scotch whisky, in various lots at Providence and Pawtucket, R. I., and New

Orleans, La., alleging that the article had been shipped in interstate commerce, between the dates of December 26, 1933, and January 11, 1934, in part by Joseph Beck Sons, Inc., from New York, N. Y., into the States of Rhode Island and Louisiana, and in part by the Narragansett Distributing Co., from Boston, Mass., into the State of Rhode Island, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Vat 6 Old Scotch Whiskey A Blend Blended and Bottled by Joseph Beck Sons, Inc., New York, N. Y."

The article was alleged to be adulterated in that alcohol of domestic origin had been mixed and packed therewith so as to reduce and lower its quality and had been substituted wholly or in part for the said article; and in that it had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement "Old Scotch Whisky" and the design of a bust of a Scotchman in native garb, appearing on the label, were false and misleading and tended to deceive and mislead the purchaser; and for the further reason that the article was offered for sale under the distinctive name of another article.

On May 17, 1934, judgment was entered in the Eastern District of Louisiana condemning the product libeled in that district and ordering that it be released to the claimant under a bond in the sum of \$4,200, conditioned that it be relabeled under the supervision of this Department. On September 5, 1934, no claimant appearing in the cases instituted in the District of Rhode Island, judgments of condemnation, forfeiture, and destruction were entered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22927. Adulteration of egg colors. U. S. v. 5½ Gross and 5½ Gross of Egg Colors. Default decrees of condemnation. (F. & D. nos. 32460, 32461. Sample nos. 62501-A, 62502-A.)

These cases involved egg colors consisting of blue, red, and yellow colors. Analyses showed that the yellow color contained excessive lead.

On March 28, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of 11 gross cardboard display cards, each containing three unlabeled vials of egg colors, at Washington, D. C., alleging that the article was in possession of the Hecht Co., and Lansburgh & Bro., and was being offered for sale in the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. The display card was labeled: "Simplex Egg Color Set * * * Manufactured by Nu-Dell Products, Inc., Chicago."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On September 26, 1934, no claimant having appeared, judgments of condemnation were entered and the court ordered that the product be disposed of in such manner as would not violate the provisions of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22928. Adulteration of canned spinach. U. S. v. 463 Cases of Canned Spinach. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32667. Sample nos. 68695-A, 72057-A.)

This case involved a shipment of canned spinach that was found to be in part decomposed.

On May 1, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 463 cases of canned spinach at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about April 4, 1934, by the Tri-Valley Packing Association, from Modesto, Calif., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Topmoſt Brand Spinach * * * Distributed by General Grocer Co., St. Louis, Mo." The remainder was labeled in part: "American Lady Brand Spinach * * * Haas-Lieber Grocery Co. Distributors, St. Louis, Mo."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On June 1, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22929. Adulteration of macaroni and spaghetti. U. S. v. 45 Boxes of Macaroni and 32 Boxes of Spaghetti. Default decrees of condemnation and forfeiture. Product delivered to Government agency. (F. & D. no. 32737. Sample nos. 48140-A, 48141-A.)

These cases involved products that contained but a small amount of egg and that were artificially colored with yellow color to give them the appearance of containing a larger amount of egg than was present.

On May 29 and May 31, 1934, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 45 boxes of macaroni and 32 boxes of spaghetti at Reno, Nev., alleging that the articles had been shipped in interstate commerce, on or about April 4, 1934, by the Western Macaroni Co., from Salt Lake City, Utah, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Macaroni [or "Spaghetti"] Carnation Brand Western Macaroni Mfg. Co. Inc. Salt Lake City, Utah. * * * Made of Hard Wheat Flour and 1.5% of Egg."

The articles were alleged to be adulterated in that they were colored in a manner whereby inferiority was concealed, in that the color suggested a higher egg content than was the case.

On September 10, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered and the court ordered that they be delivered to some Government agency, in view of the fact that they were fit for human consumption.

M. L. WILSON, Acting Secretary of Agriculture.

22930. Adulteration and misbranding of fountain sirup. U. S. v. 36 Cans and 90 Cans of Fountain Sirup. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 32767, 32768. Sample nos. 61282-A, 61283-A.)

This case involved two lots of fountain sirup. One lot, labeled "Double strength chocolate fountain sirup", was chocolate sirup but was not double strength; this lot was also short weight. The remaining lot was represented to be chocolate fountain sirup but consisted of cocoa, water, and sugar.

On May 28, 1934, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 126 cans of fountain sirup at Lexington, Ky., consigned by the Schuster Sales Co., on or about April 29, and June 21, 1933, and March 30, 1934, alleging that the article had been shipped in interstate commerce, from Cleveland, Ohio, into the State of Kentucky, and charging adulteration and misbranding of one lot and misbranding of the remaining lot, in violation of the Food and Drugs Act as amended. Thirty-six cans of the article were labeled in part: "Schuster's Double Strength Chocolate Fountain Syrup * * * Net Contents $8\frac{1}{4}$ Lbs. * * * Produced and Guaranteed by Schuster's Incorporated. Cleveland, Ohio." The remaining 90 cans were labeled in part: "Schuster's Chocolate Fountain Syrup * * * Produced and Guaranteed by the Schuster Company, Cleveland, Ohio."

Adulteration of the 90-can lot was alleged in that a substance containing cocoa had been substituted for a substance containing chocolate, which the article purported to be.

Misbranding of the said 90-can lot was alleged for the reason that the statements on the label, "Chocolate Fountain Syrup Specially Prepared from the finest powdered chocolate", and "Chocolate sirup makes * * * chocolate drinks", were false and misleading and tended to deceive and mislead the purchaser, since the product did not contain chocolate; and for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding of the 36-can lot was alleged for the reason that the statements on the label, "Double Strength Chocolate Fountain Syrup" and "Net Contents $8\frac{1}{4}$ Lbs.", were false and misleading and tended to deceive and mislead the purchaser, since it was not double strength chocolate fountain sirup, and was short of the declared quantity of the contents. Misbranding of the said 36-can lot was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 10, 1934, the Schuster Sales Co., Cleveland, Ohio, having appeared as claimant, judgment of condemnation and forfeiture was entered, and the court ordered that the product be released to the claimant upon pay-

ment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22931. Misbranding of canned cherries. U. S. v. 18 Cases of Canned Cherries. Default decree of forfeiture and destruction. (F. & D. no. 32790. Sample no. 25773-A.)

This case involved a product labeled "Pitted Cherries." Examination showed that it fell below the standard established by this Department because of the presence of excessive pits, and that it was not labeled to indicate that it was substandard.

On June 1, 1934, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cases of canned cherries at Idaho Falls, Idaho, alleging that the article had been shipped in interstate commerce on or about May 10, 1934, by the Symms Utah Grocer Co., from Salt Lake City, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Kaysville Brand Royal Anne Cherries, Pitted * * * Packed in water by Kaysville Canning Corporation, Kaysville, Utah."

The libel alleged that the article was misbranded in that it was canned food, and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of the presence of excessive pits, and its package or label did not bear a plain and conspicuous statement prescribed by regulations of this Department, indicating that it fell below such standard.

On August 9, 1934, no claimant having appeared, judgment of forfeiture was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22932. Misbranding of canned cherries. U. S. v. 105 Cases and 38 Cases of Canned Cherries. Decrees of condemnation. Portion of product released under bond; remainder destroyed. (F. & D. nos. 32759, 32803. Sample nos. 71409-A, 71442-A.)

These cases involved a product labeled pitted cherries. Examination showed that it fell below the standard established by this Department because of the presence of excessive pits and that it was not labeled to indicate that it was substandard.

On May 31 and June 11, 1934, the United States attorneys for the Districts of Colorado and New Mexico, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 105 cases of canned cherries at Pueblo, Colo., and 38 cases of canned cherries at Las Vegas, N. Mex., consigned by the California Packing Co., Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce in part on or about August 12, 1933, from Ogden, Utah, and in part on or about April 6, 1934, from Salt Lake City, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Utah Valley Brand Red Sour Pitted Cherries * * * Packed by Pleasant Grove Canning Co. Pleasant Grove Orem Utah."

The libels alleged that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because of the presence of excessive pits and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On August 22, 1934, the Pleasant Grove Canning Co., a Utah corporation, having appeared as claimant for the goods seized at Pueblo, Colo., and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$370, conditioned that it be relabeled under the supervision of this Department. On September 7, 1934, no claim having been entered in the remaining case, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22933. Adulteration and misbranding of canned cherries. U. S. v. 19 Cases of Canned Cherries. Default decree of forfeiture and destruction. (F. & D. no. 32804. Sample no. 71223-A.)

This case involved a shipment of water-packed pitted cherries. Examination showed that it contained excessive pits and maggots; that it was not

labeled to indicate that it was substandard and was not properly labeled to show that it was water-packed cherries.

On June 4, 1934, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of canned cherries at Moscow, Idaho, alleging that the article had been shipped in interstate commerce on or about April 30, 1934, by the Puyallup & Sumner Fruit Growers Association, from Portland Oreg., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Porto Brand, Packed in water fruit * * * sour pitted cherries, Mason Ehrman and Co., Portland, Oregon."

The libel alleged that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

Misbranding was alleged in that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture and failed to bear a statement indicating that it fell below such standard, examination having shown that the cherries contained maggots and excessive pits and that the statement "packed in water" was not on the main panel and was not in direct conjunction with the name of the product.

On August 9, 1934, no claimant having appeared, judgment of forfeiture was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22934. Adulteration of butter. U. S. v. McKenzie Milk Products Co. Plea of guilty. Fine, \$100. (F. & D. no. 82874. Sample no. 66073-A.)

This case was based on an interstate shipment of butter that contained less than 80 percent of milk fat.

On September 6, 1934, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the McKenzie Milk Products Co., a corporation, McKenzie, Tenn., alleging shipment by said company in violation of the Food and Drugs Act on or about January 30, 1934, from the State of Tennessee into the State of New York of a quantity of butter that was adulterated.

The information alleged that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent of milk fat as required by the act of March 4, 1923, which the article purported to be.

On September 25, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100 in lieu of fines and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22935. Adulteration of butter. U. S. v. 6 Cubes and 1 Cube of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32922. Sample no. 71322-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On May 26, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about May 23, 1934, by the North Star Dairy, from Kalispell, Mont., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On June 2, 1934, the North Star Dairy, having appeared as claimant, and having paid costs of the proceedings, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon the execution of a bond in the sum of \$200, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

22936. Misbranding of butter. U. S. v. 3 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32923. Sample no. 73387-A.)

Sample packages of butter delivered for shipment in interstate commerce were found to contain less than 1 pound, the weight declared on the label.

On June 13, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three cases of butter at Seattle, Wash., which had been delivered to the transportation company, on or about June 11, 1934, by Swift & Co., for shipment in interstate commerce, to Alaska, alleging that the article was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Swift's Premium Quality Brookfield Butter 1 Lb. Net Wt."

The libel alleged that the article was misbranded in that the statement "1 Lb. Net Wt.", borne on the label, was false and misleading.

On September 22, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22937. Adulteration and misbranding of butter. U. S. v. 2 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32924. Sample no. 73393-A.)

This case involved butter that contained less than 80 percent of milk fat. On June 21, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cases of butter which had been delivered to the transportation company at Seattle, Wash., on or about June 15, 1934, by the National Grocery Co., Seattle Wash., for shipment in interstate commerce to Alaska, and alleging that the article was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Blue Ribbon Brand Butter Distributed by Washington Creamery Co., Seattle, Washington."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the statement, "Butter" on the label, was false and misleading.

On June 28, 1934, the Washington Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released to the claimant upon payment of costs, and the execution of a bond in the sum of \$50, conditioned that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22938. Adulteration and misbranding of butter. U. S. v. 19 Boxes of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable organizations. (F. & D. no. 32925. Sample no. 63175-A.)

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On May 23, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 boxes, each containing 30 pounds of butter, at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about May 10, 1934, by the Beatrice Creamery Co., from Denver, Colo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Print) "Pasteurized Meadow Gold Butter * * * Beatrice Creamery Company, Denver, Colo."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the statement on the label, "Butter", was false and misleading and deceived and misled the purchaser.

On June 14, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to charitable organizations in view of the fact that it was fit for human consumption.

M. L. WILSON, *Acting Secretary of Agriculture.*

22939. Adulteration and misbranding of butter. U. S. v. 79 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32935. Sample no. 65725-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On or about June 16, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 79 cases of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about June 2, 1934, by the Downsview Cooperative Creamery Co., from Downsview, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sweet Butter."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the statement on the label, "Butter", was false and misleading.

On June 20, 1934, Hunter, Walton & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released to the claimant to be reworked under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be disposed of contrary to the provisions of the Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

22940. Adulteration of canned prunes. U. S. v. 201 Cases of Canned Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32969. Sample nos. 66850-A, 71441-A.)

This case involved a shipment of canned prunes that were in part decomposed.

On June 20, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 201 cases of canned prunes at Pueblo, Colo., alleging that the article had been shipped in interstate commerce, on or about March 26, 1934, by the Washington Berry Growers Packing Corporation, Sumner, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Santiam Brand Oregon Prunes * * * Stayton Canning Company, Co-operative Stayton, Oregon."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 20, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22941. Misbranding of whisky. U. S. v. 15 Cases and 21 Bottles of Whisky. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32973. Sample nos. 62235-A, 62208-A.)

This case involved a lot of whisky that was labeled to convey the impression that it was of domestic origin, but which was in fact made in Habana, Cuba. The label failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement "One Pint" was inconspicuous, and since the amount contained in the bottles was less than 1 pint.

On June 19, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 15 cases and 21 pint bottles of whisky at Washington, D. C., alleging that the article was in possession of the District Wholesale

Corporation, Washington, D. C., was being offered for sale in the District of Columbia, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "'73 Bourbon' * * * Mill Creek Distillery Havana, Cuba."

The article was alleged to be misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement, "One Pint" on the bond label, was inconspicuous, and since the bottles contained less than 1 pint. Misbranding was alleged for the further reason that the statements, (bottle label) "Caution: This whiskey is guaranteed to be made from choicest American grain under supervision of Government inspectors and distilled by American Distillers", (bond label) "Distilled and bottled in bond * * * under Government supervision", were false and misleading, since they created the impression that the article was of domestic origin; whereas it was not, and this impression was not corrected by the inconspicuous statement on the label, "Havana, Cuba."

On August 20, 1934, the District Wholesale Corporation, Washington, D. C., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon the execution of a bond in the sum of \$500, conditioned that it be relabeled in a manner approved by this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22942. Misbranding of canned cherries. U. S. v. 87 Cases of Canned Cherries. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 33002. Sample no. 69238-A.)

This case involved a product labeled "Pitted Cherries." Examination showed that the article contained excessive pits and was not labeled to indicate that it was substandard.

On June 26, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 87 cases of canned cherries at York, Pa., alleging that the article had been shipped in interstate commerce, on or about April 7, 1934, by the C. & H. Packing Co., Evergreen Fruit Growers Association, from Everett, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Wenatchee Brand Water Pack Pitted Red Sour Cherries * * * Packed by Everett Fruit Products Co., Everett, Wash."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On September 29, 1934, a claim and answer having been filed admitting the allegations of the libel and consenting to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned that it be relabeled so that it comply with the provisions of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22943. Misbranding of canned apricots. U. S. v. 52 Cases of Canned Apricots. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 33007. Sample no. 73543-A.)

This case involved a shipment of canned apricots in which the liquid portion was found to contain insufficient sugar to bring the article up to the standard established by this Department, and which was not labeled to indicate that it was substandard.

On June 26, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 cases of canned apricots at Bellingham, Wash., alleging that the article had been shipped in interstate commerce, on or about September 12, 1933, by the Campbell Packing Corporation, from Campbell, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "W. G. Brand Apricots * * * Packed For Washington Grocery Co., Bellingham, Washington."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On August 6, 1934, the National Grocery Co., Bellingham, Wash., having appeared as claimant, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released to the claimant upon payment of costs and the deposit of cash collateral in the sum of \$150, conditioned that it should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

22944. Adulteration of canned prunes. U. S. v. 131 Cases of Canned Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33028. Sample nos. 69235-A, 68783-A, 71086-A.)

This case involved a shipment of canned prunes that were found to be in part moldy and dirty.

On June 29, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 131 cases of canned prunes at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about April 10, 1934, by the Stayton Canning Co., from Stayton, Oreg., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On August 3, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22945. Adulteration of dried peaches. U. S. v. 198 Boxes of Dried Peaches. Product ordered released under bond to be relabeled. (F. & D. no. 32054. Sample no. 62138-A.)

This case involved a shipment of dried peaches that contained excessive moisture.

On March 1, 1934, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 198 boxes of dried peaches at Petersburg, Va., alleging that the article had been shipped in interstate commerce, on or about January 4, 1934, by Guggenlime & Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Box) "Buena Fruta Brand California Standard Muir Peaches * * * Guggenlime & Company California."

The article was alleged to be adulterated in that a product containing excessive water had been substituted for dried standard peaches, which the article purported to be.

On April 9, 1934, Harwell Bros. & Gibbs, Inc., Petersburg, Va., having appeared as claimant for the property, judgment was entered ordering that the product be released upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled in a manner conforming to the provisions of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22946. Misbranding of olive oil. U. S. v. 40 Tins and 33 Cans of Olive Oil. Default decrees of condemnation. Product ordered destroyed or distributed to charitable institutions. (F. & D. nos. 33064, 33080. Sample nos. 73552-A, 876-B.)

Sample cans of olive oil taken from the shipments involved in these cases were found to contain less than the volume declared on the label.

On July 10 and July 14, 1934, the United States attorneys for the District of Oregon and the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libel praying seizure and condemnation of 40 tins of olive oil at Portland, Oreg., and 33 cans at Seattle, Wash., alleging that the article had been shipped in interstate commerce by Monteverdi, Rollandelli & Parodi, Inc., from San Francisco, Calif., in part on or about February 13, 1934, into the State of Washington and in part on or about April 29, 1934, into the State of Oregon, and charging misbranding

in violation of the Food and Drugs Act as amended. The article was labeled in part: "Half Gallon Net Measure" or "One gallon net measurement."

The article was alleged to be misbranded in that the statements, "Half Gallon Net Measure" and "One gallon net measurement", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On August 22 and September 22, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered, and the product was ordered destroyed or distributed to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

22947. Misbranding of canned mixed vegetables. U. S. v. 13½ Cases of Canned Mixed Vegetables. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33065. Sample no. 62875-A.)

This case involved a shipment of canned mixed vegetables, the labels of which contained a pictorial representation showing a large variety of vegetables. Examination showed that the product consisted principally of potatoes, carrots, and turnips, the other varieties pictured on the label being present in small amounts or entirely absent. The product was also short weight.

On July 13, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13½ cases of canned mixed vegetables at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about April 13, 1934, by the Torsch-Stevenson Corporation, from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "IGA Brand Mixed Vegetables Contents 1 Lb. 4 Oz. * * * Packed for Independent Grocers Alliance Distributing Co. Chicago, Illinois"; together with a vignette, bearing prominent pictorial representations of corn, celery, cabbage, potatoes, beets, turnips, tomatoes, carrots, an onion, green beans, and peas.

The article was alleged to be misbranded in that it was short weight and was essentially a mixture of potatoes, carrots, and turnips, with smaller quantities of cabbage, corn, tomatoes, celery, green beans, a small amount of peas, and a trace of lima beans and onions.

On August 27, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22948. Misbranding of graham crackers. U. S. v. 15 Cases of Graham Crackers. Default decree of condemnation and forfeiture. Product delivered to a charitable organization. (F. & D. no. 33071. Sample no. 102-B.)

Sample packages of graham crackers taken from the shipment involved in this case were found to contain less than 1 pound, the weight declared on the label. The label on the product also contained unwarranted health and therapeutic claims.

On July 23, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of graham crackers at Denver, Colo., consigned by the Davidson Biscuit Co., Mount Vernon, Ill., alleging that the article had been shipped in interstate commerce on or about July 3, 1934, from Mount Vernon, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "All Crisp Graham Crackers Sunalized Healthful Delicious Economical. Made with Milk and Honey. Tested and Approved. Contains Certified Vitamin D. All Crisp Graham Crackers Are Sunalized Containing Just the Right Proportion of Vitamin D in the formula * * * Healthful and Nourishing. Net Weight 1 Lb. Illinois Distributing Co., Mt. Vernon, Illinois."

The article was alleged to be misbranded in that the statement on the label, "Net weight 1 lb.", was false and misleading and tended to deceive and mislead the purchaser, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent, "Sunalized", "Containing just the right proportion of Vitamin D

in the formula", since the statements implied that the article had been given all of the therapeutic attributes to be expected by direct radiation of the sun's rays and since the correct amount of Vitamin D required by an individual is dependent upon age, other sources of Vitamin D in the diet, and other factors.

On September 8, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be delivered to a charitable organization.

M. L. WILSON, *Acting Secretary of Agriculture.*

22949. Misbranding of canned tomatoes. U. S. v. 400 Cases and 795 Cases of Canned Tomatoes. Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 33097, 33118, 33119. Sample nos. 4257-B, 4265-B, 4266-B.)

These cases involved a shipment of canned tomatoes that fell below the standard established by this Department, all being of poor color, and a portion containing excessive peel. The product was not labeled to show that it was substandard.

On July 18 and July 24, 1934, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,195 cases of canned tomatoes at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about June 16, 1934, by A. S. Beard, from Santa Rosa, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled in part: "Palm Valley Brand * * * Tomatoes Packed by the H and J Products Co., Elsa, Texas." The remainder was labeled in part: "Santa Rosa Brand Hand Packed tomatoes * * * Packed by A. S. Beard, Santa Rosa, Texas and Roanoke, Va."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because it was all of poor color and a portion contained excessive peel, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On September 7 and 8, 1934, the Rosen-Reichardt Brokerage Co., St. Louis, Mo., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds in the sum of \$3,585, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22950. Adulteration and misbranding of dressed turkeys. U. S. v. 7 Barrels of Dressed Turkeys. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 33105. Sample no. 4651-B.)

This case involved an interstate shipment of dressed turkeys. Samples taken from the lot were found to contain a pound or more of mixed feed in the body cavity or craw.

On July 19, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of seven barrels of dressed turkeys at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about March 24, 1934, by the Omaha Cold Storage Co., from Omaha, Nebr., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that mixed feed had been substituted in part for the article.

Misbranding was alleged in that a statement on the barrel label, "turkeys", was false and misleading and tended to deceive and mislead the purchaser, when applied to a product containing a considerable amount of mixed feed.

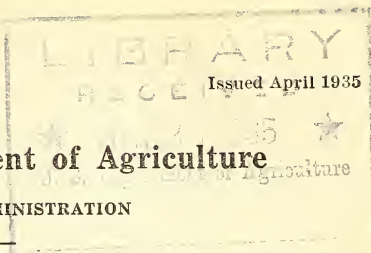
On August 8, 1934, the Omaha Cold Storage Co. having appeared as claimant, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released to the claimant upon the execution of a good and sufficient bond in the sum of \$500, conditioned that the excess grain be removed.

M. L. WILSON, *Acting Secretary of Agriculture.*

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

22951-23000

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 19, 1935]

22951. Alleged adulteration and misbranding of fluidextract of ergot. U. S. v. 35 Bottles and 59 Bottles of Fluidextract Ergot. Tried to the court. Judgment for claimant. Libels dismissed. (F. & D. nos. 26144, 26508. I. S. nos. 12866, 22130. S. nos. 4468, 4638.)

On March 30 and June 23, 1931, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of thirty-five 4-ounce bottles and fifty-nine 1-pint bottles of fluidextract of ergot at San Francisco, Calif., consigned by Parke Davis & Co., Detroit, Mich., alleging that the article had been shipped in interstate commerce from Detroit, Mich., in part on or about December 18, 1930, and in part on or about January 9, 1931, and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the statements on the label, "Fluid Extract Ergot, U.S.P. * * * Standard (By Physiological Assay)", were false and misleading.

Parke Davis & Co. appeared as claimant and filed answers denying the adulteration and misbranding charges. On March 6, 1934, a jury having been waived and the two libels having been consolidated into one cause of action, the case came on for trial before the court.

On March 9, 1934, the court having heard the evidence and arguments of counsel, entered judgment for the claimant and on July 12, 1934, the libels were ordered dismissed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22952. Alleged adulteration and misbranding of pituitary extract. U. S. v. Eli Lilly & Co. Tried to the court. Judgment of not guilty. (F. & D. no. 29415. I. S. nos. 25277, 25862.)

This case was based on interstate shipments of pituitary extract which was alleged to have an activity greatly in excess of the maximum produced by pituitary extract prepared as directed by the United States Pharmacopoeia.

On July 29, 1933, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Eli Lilly & Co., a corporation, Indianapolis, Ind., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 12, 1930, from the State of Indiana into the State of Illinois, and on or about May 13, 1931, from the State of Indiana into the State of Minnesota of quantities of pituitary extract. The article was labeled in part: "Lilly's Pituitary Extract * * * U. S. P. Strength Eli Lilly and Co. Indianapolis, Ind."

It was alleged in the information that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined

by the tests laid down in the said pharmacopoeia official at the time of investigation of the article, in that said pharmacopoeia provides that solution of pituitary contain the water-soluble principle or principles from the fresh posterior lobe of the pituitary body of cattle, 1 cc having an activity upon the isolated uterus of the virgin guinea pig, corresponding to not less than 80 percent and not more than 120 percent of that produced by 0.005 g of the standard powdered pituitary prepared as directed; whereas 1 cc of said article possessed an activity upon the isolated uterus of the virgin guinea pig, corresponding (in the sample taken from the first shipment) to 266 percent and (in the sample taken from the second shipment) to 220 percent of that produced by 0.005 g of the standard powdered pituitary prepared as directed by said United States Pharmacopoeia; and the standard of strength, quality, and purity of the said article was not declared on the container thereof.

Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to be pituitary extract that conformed to the standard laid down in the United States Pharmacopoeia, whereas it was not pituitary extract that conformed to said standard.

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Box and individual ampoule carton) "Pituitary Extract * * * U. S. P. Strength A * * * Standardized Solution of the Active Principle of the Posterior Lobe of Pituitary Glands"; (ampoule) "Pituitary Ext. * * * U. S. P. Strength"; (circular) "The physician in prescribing Lilly's Pituitary Extract, can be assured of obtaining an extract * * * uniform in strength."

On August 19, 1933, the defendant was arraigned and a plea of not guilty was entered. On June 8, 1934, a jury having been waived and the case having come on for trial before the court, the defendant was found not guilty.

M. L. WILSON, *Acting Secretary of Agriculture.*

22953. Adulteration and misbranding of tincture of aconite, cinchophen tablets, aromatic spirits of ammonia, and mineral oil. U. S. v. Gibson-Howell Co., Inc. Plea of guilty. Fine, \$600. (F. & D. no. 30316. Sample nos. 10221-A, 10225-A, 21655-A, 21657-A, 21671-A, 31636-A.)

This case was based on interstate shipments of tincture of aconite, aromatic spirits of ammonia, and alleged heavy mineral oil, which differed from the standard established by the United States Pharmacopoeia, and of a shipment of cinchophen tablets which contained less cinchophen than declared on the label. The mineral oil was falsely branded as to the name of the manufacturer and place of manufacture.

On April 6, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Gibson-Howell Co., Inc., a corporation, Jersey City, N. J., alleging shipment by said company, in violation of the Food and Drugs Act, between the dates of January 14 and March 24, 1933, from the State of New Jersey into the State of New York, of quantities of tincture of aconite, cinchophen tablets, aromatic spirits of ammonia, and mineral oil which were adulterated and misbranded. The articles were labeled, variously: "Tincture of Aconite U. S. P. * * * Prepared for Whelan Drug Company, Inc., New York"; "Cinchophen (Phenyleinchoninic acid) * * * 7½ gr. * * * Distributed by Whelan Laboratories, Inc., New York"; "Honor Pyechoe Macho * * * Imported Russian Mineral Oil * * * Honor Research Laboratories, New York * * * Heavy Genuine Imported"; "Aromatic Spirits Ammonia U. S. P. * * * Distributed By Whelan Laboratories, Inc., New York."

It was alleged in the information that the tincture of aconite, aromatic spirits ammonia, and mineral oil were adulterated in that they were sold under names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, in the following respects:

The tincture of aconite, when administered subcutaneously to guinea pigs had a minimum lethal dose of not less than 0.0015 cc for each gram of body weight of guinea pig, whereas the pharmacopoeia provides that tincture of aconite shall have a minimum lethal dose of not more than 0.00045 cc for each gram of body weight of guinea pig; the aromatic spirits ammonia contained less than 90 cc of ammonia water per 1,000 cc, samples from the two shipments

having been found to contain not more than 70.54 and 72.88 cc, respectively, of ammonia water per 1,000 cc, whereas the pharmacopoeia provides that 1,000 cc of aromatic spirits of ammonia shall contain not less than 90 cc of ammonia water; the alleged heavy mineral oil had a kinetic viscosity of not more than 0.171 at 27.8° C., whereas the pharmacopoeia provides that heavy mineral oil shall have a kinetic viscosity of not less than 0.381 at 37.8°; and the standard of strength, quality, and purity of the articles was not declared on the containers thereof. Adulteration was alleged with respect to all products for the reason that their strength and purity fell below the professed standard and quality under which they were sold in that the tincture of aconite and aromatic spirits ammonia were represented to conform to the standard laid down in the pharmacopoeia; whereas they did not conform to the standard laid down in that authority; the mineral oil was represented to be heavy Russian mineral oil, whereas it was not heavy Russian mineral oil, and the cinchophen tablets were represented to contain 7½ grains of cinchophen per tablet, whereas they contained not more than 6.27 grains of cinchophen per tablet.

Misbranding was alleged for the reason that the statements, "Tincture of Aconite U. S. P.", "Cinchophen * * * Tablets—7½ gr.", "Aromatic Spirits Ammonia U. S. P.", "Russian Mineral Oil, Heavy * * * Honor Research Laboratories, New York, Chicago", in the labeling were false and misleading, since the said statements represented that the tincture of aconite and aromatic spirits of ammonia conformed to the standard laid down in the United States Pharmacopoeia, that the cinchophen tablets contained 7½ grains of cinchophen each, and that the mineral oil was heavy Russian mineral oil manufactured by the Honor Research Laboratories; whereas the tincture of aconite and aromatic spirits ammonia did not conform to the standard laid down in the pharmacopoeia, the cinchophen tablets contained less than 7½ grains of cinchophen, and the mineral oil was not Russian Mineral Oil Heavy, and was not manufactured by the Honor Research Laboratories, New York and Chicago. Misbranding of the mineral oil was alleged for the further reason that it was falsely branded as to the country in which it was manufactured and produced in that it was represented to have been manufactured and produced by the Honor Research Laboratories, New York and Chicago, whereas it was manufactured and produced by the Gibson-Howell Sales Co., Jersey City, N. J.

On June 28, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$600.

M. L. WILSON, *Acting Secretary of Agriculture.*

22954. Misbranding of Bromo Paper. U. S. v. 14 Cases of Bromo Paper. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31189. Sample nos. 23458-A, 45001-A, 45002-A, 45003-A.)

This case involved a shipment of Bromo paper that was labeled with unwarranted curative and therapeutic claims.

On October 2, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cases, 50 boxes each of Bromo Paper, at San Francisco, Calif., alleging that the article had been shipped in interstate commerce in various shipments on or about February 28, April 22, and August 1, 1933, by the Diamond Mills Paper Co., from Saugerties, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of tissue paper impregnated with a small amount of mineral oil and a small amount of carbolic acid.

It was alleged in the libel that the article was misbranded in that the statement on the label and in the circular, "A positive preventative of that most distressing and almost universal complaint the Piles", was false and fraudulent.

On September 27, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22955. Misbranding of Sanmetto. U. S. v. 36 Bottles of Sanmetto. Default decree of condemnation and destruction. (F. & D. no. 31190. Sample no. 49715-A.)

This case involved a drug preparation labeled with unwarranted therapeutic claims.

On October 11, 1933, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 36 bottles of Sanmetto at Fort Smith, Ark., alleging that the article had been shipped in interstate commerce, on or about July 8, 1933, by Od Peacock Sultan Co., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of extracts of plant drugs, alcohol, and water.

The article was alleged to be misbranded in that the following statements in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Circular) "In the treatment of genito-urinary troubles. * * * inflamed mucous membranes of the urinary passages * * * for prolonged use in the treatment of chronic cases. * * * The primary purpose of Sanmetto is to allay inflammation incident to pathologic conditions in the genito-urinary organs, whether due to specific or non-specific causes. * * * In Urethritis, to allay inflammation of the urethra, reducing ardor urinae and painful voidance to a minimum. In Prostatic troubles of Old Men, especially when accompanied by irritation of the parts and frequent micturition. For Collateral use in Bladder and Kidney Troubles, to keep the urine bland and non-irritating; and, for the same purpose in ante and post surgical operations. In Nocturnal Enuresis in Children, where the bed wetting is not due to mechanical causes requiring surgery, or from brain or spinal lesion primarily."

On July 3, 1934, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22956. Misbranding of Dismuke's Famous Mineral Crystals. U. S. v. 49 Packages of Dismuke's Famous Mineral Crystals. Default decree of condemnation and destruction. (F. & D. no. 31254. Sample no. 41121-A.)

This case involved a product that was represented to consist of the crystals obtained by evaporation of the water of Mineral Wells, Tex. Analysis showed that it did not represent the total nonvolatile material contained in the water of the said wells. The labels also bore unwarranted curative and therapeutic claims.

On October 23, 1933, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 packages of Dismuke's Famous Mineral Crystals at Sioux City, Iowa, alleging that the article had been shipped in interstate commerce, on or about August 28, 1933, by the Famous Mineral Water Co., from Mineral Wells, Tex., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of sodium sulphate with small proportions of chlorides and magnesium compounds.

The article was alleged to be misbranded in that the following statements on the carton and in the circulars were false and misleading, since the crystals did not represent the total nonvolatile material contained in the water from wells at Mineral Wells, Tex.: (Carton) "Made by Open Kettle Evaporation of the Natural Mineral Water"; (circulars) "Famous Mineral Crystals A Natural

ANALYSIS

Of the Famous Mineral Well Water

Grains per United States gallon		Grains per United States gallon	
Lithium chloride-----	Traces	Magnesium bicarbonate-----	15. 160
Potassium chloride-----	2. 916	Calcium bicarbonate-----	30. 160
Sodium chloride-----	23. 330	Iron and aluminum-----	0. 058
Sodium sulphate-----	180. 000	Silica and organic matter-----	4. 083
Magnesium sulphate-----	16. 160		

Mineral Water Product are made by evaporating (open kettle process) the natural mineral water into practically a solid solution of mineral. When this solution is drawn off and cold air applied, the Crystals form * * * Mineral Wells, Texas has become one of the outstanding health resorts of the world. * * * Famous Mineral Wells Water. Famous Crystals provide a Mineral Water Treatment in your own home for those who can not find time to visit this noted Health Resort * * * Famous Crystals are made from the Famous Mineral Wells Water at Mineral Wells, Texas."

Misbranding was alleged for the further reason that certain statements in the circulars, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that the user could drink his way to health with these crystals, that it was effective as a treatment, cure, and remedy for constipation and its accompanying ills, indigestion, auto intoxication, stomach trouble, and rheumatism in all its different forms; effective in clearing up a bad complexion, reducing excess weight, in improving digestion, keeping the stomach and bowels in good shape, and the intestinal tract in a healthy condition; and effective as a remedy for ailments of man; that it had an invigorating effect on the stomach and intestinal tract and that the user would always feel fit and be in the pink of condition.

On May 28, 1934, no claimant having appeared, judgment of condemnation was entered and its was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22957. Misbranding of R. M. B. Powders. U. S. v. R. M. B. Laboratories, Inc. Plea of guilty. Fine, \$150 and costs. (F. & D. no. 31347. Sample no. 26155-A.)

Examination of the drug preparation involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On February 28, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the R. M. B. Laboratories, Inc., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about November 28, 1932, and February 17, 1933, from the State of Washington into the State of Oregon, of a quantity of R. M. B. Powders which were misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of a mixture of bismuth subnitrate and sugar. At the trial it was stipulated that the product consisted essentially of bismuth subnitrate and sugar and might contain proteolytic enzymes.

It was alleged in the information that the article was misbranded in that certain statements in a circular shipped with the article falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for disturbances of the alimentary tract, stomach trouble, digestive ailments, digestive ills; effective as a relief for stomach troubles caused by improper assimilation of food; effective to assist in the restoration of a normal balance between the digestive juices and acid in the stomach and to enable it to carry out its major function of preparing the food for further digestion in the intestines; effective to assist in a more complete and easier assimilation of foods and to have control upon the whole process of digestion and to eliminate elements common to toxemia (food poisoning); and effective as a treatment, remedy, and cure for serious stomach trouble, gas, bloating, and ulcers of the stomach.

On June 11, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$150 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22958. Adulteration and misbranding of Peerless Crystals. U. S. v. 282 Packages and 128 Packages of Peerless Crystals. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31720. Sample nos. 50751-A, 50752-A.)

This case involved a shipment of Peerless Crystals which were labeled to convey the impression that it was obtained by evaporation of the waters of Mineral Wells, Tex. Analysis showed that its composition differed from that of the minerals obtained from evaporation of the said waters, and also differed from the analysis printed on the label. The labeling contained unwarranted curative and therapeutic claims.

On December 15, 1933, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying condemnation of 282 half-pound packages and 128 pound packages of Peerless Crystals at Opelika, Ala., alleging that the article had been shipped in interstate commerce in part on or about April 18, 1933, and in part on or about April 29, 1933, by the Peerless Mineral Water & Crystal Co., Mineral Wells, Tex., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the article by this Department showed that it consisted of sodium sulphate with relatively small proportions of sodium chloride and magnesium sulphate.

It was alleged in the libel that the article was adulterated in that its strength and purity fell below the professed standard of quality under which it was sold, since it did not have the composition indicated: "Leading physicians all over the nation recommend the use of Mineral Wells Water. * * * Only in recent years has this water been reduced to crystals—by the simple process of evaporation—with nothing added. * * * Peerless Crystals are made from pure genuine Mineral Wells Mineral Water— * * * A regular large size package of Peerless Crystals represents the mineral from about 15 gallons of mineral water and when added to the same amount of pure water produces a natural mineral water almost identical to that which comes from our wells. * * *

Analysis of Peerless Mineral Water

	Parts per million	Grains per gallon
Silica.....	21.0	1.22
Iron and aluminium oxide ions.....	6.5	0.38
Calcium.....	311.5	18.04
Magnesium.....	532.3	30.85
Sodium.....	1,081.1	62.78
Chloride.....	298.0	17.30
Sulphate.....	4,012.1	232.70
Bicarbonate.....	855.0	49.60
Total.....	7,117.5	412.87
Hypothetically combined as calcium bicarbonate.....	1,140.0	66.15
Calcium sulphate.....	90.0	5.22
Magnesium sulphate.....	2,632.2	152.67
Sodium sulphate.....	2,736.1	158.66
Sodium chloride.....	491.7	28.57

Misbranding was alleged for the reason that the statement on the carton, "A Pure Natural Product made from * * * Mineral Wells Mineral Water—With Nothing Added—By evaporation Process", was false and misleading.

Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton) "'Where America drinks her way to health' Mineral Wells, Texas. Used In Treatment Rheumatism, stomach, kidney and bowel trouble, gout, * * * and numerous other ailments due to faulty elimination."

On August 13, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22950. Misbranding of Nuxferrone. U. S. v. 70 Bottles of Nuxferrone. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32308. Sample no. 61955-A.)

This case involved a drug preparation, the labels of which bore unwarranted curative and therapeutic claims.

On March 16, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 bottles of Nuxferrone at Dallas, Tex., alleging that the article had been shipped in interstate commerce, on or about February 6, 1934, by John L. O'Bannon, from Marissa, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of compounds of iron, manganese, calcium and potassium, hypophosphites, quinine, peptone, extracts of plant drugs including nux vomica and a laxative drug, alcohol, and water flavored with aromatics.

The article was alleged to be misbranded in that the carton, bottle label, and an accompanying circular bore false and fraudulent therapeutic claims that it was effective as a treatment for impaired nutrition, nervous and general debility, lack of energy, paleness, and anaemic conditions; that it was effective as

a tonic in building up new and healthy tissues when in a rundown or weakened condition and in fortifying the system against disease; that it would supply iron to the blood, nourish and strengthen red blood corpuscles, supply strength, renewed vim, and energy; and that it contained ingredients which assist in nourishing the red blood corpuscles, adding tone to the system, acting on the nervous system, and assisting in increasing the secretion of the digestive juices.

On May 28, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22960. Misbranding of Re-Cu-Ma. U. S. v. 92 Bottles of Re-Cu-Ma. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32309. Sample no. 61956-A.)

This case involved a drug preparation, the labeling of which bore unwarranted curative and therapeutic claims.

On March 22, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 92 bottles of Re-Cu-Ma at Dallas, Tex., alleging that the article had been shipped in interstate commerce, on or about May 1, 1933, by the Robinson Drug Co., from Blytheville, Ark., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of magnesium sulphate (1.2 grams per 100 milliliters), potassium iodide, extracts of plant drugs including licorice, aloe and podophyllum, glycerin, alcohol (8.6 percent by volume), and water, flavored with anise oil and sweetened with saccharin.

It was alleged in the libel that the article was misbranded in that certain statements on the carton, bottle label, and in the circular falsely and fraudulently represented that it was a system purifier and tonic; and that it was effective in the treatment and prevention of diseases arising from disordered blood, liver, kidney, stomach and bowels, and that if used at the first symptom of disease the user would be able to live and enjoy a ripe and healthy old age.

On May 28, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22961. Misbranding of Puratone. U. S. v. 29 Bottles of Puratone. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32314. Sample no. 61957-A.)

This case involved a drug preparation, the labeling of which bore unwarranted curative and therapeutic claims.

On March 28, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 bottles of Puratone at Dallas, Tex., alleging that the article had been shipped in interstate commerce, on or about January 17, 1934, by John L. O'Bannon, from Milan, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of extracts of plant drugs including licorice and a laxative drug such as cascara sagrada, alcohol (7.9 percent by volume), glycerin, and water.

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Carton label) "Puratone * * * Alternative * * * A combination of herbs well known for their tonic effect on the Stomach, Liver and Kidneys * * * that cleanse and strengthen the human system and have resulted in a most Effective Remedy For Men Or Women Requiring A Blood Purifier And Builder"; (bottle label) "Puratone"; (circular) "Guide to Health Puratone A Scientific and Tested Combination of Medical Ingredients to help the Stomach, Liver, Kidneys And Bowels to throw off many disorders through the natural channels, also helping to purify the Blood and Tone up the system. * * * Puratone * * * It is now conceded by some of the greatest medical men of the world that the Green State of drugs give the best relief and most permanent restoration to health without incidentally injuring any of the vital organs; in other words, the maximum strength and health are produced with a minimum interference with the function of any other organ; therefore the next best method are the principles of vegetable drugs in solution as we prepare them. Puratone (liquid) possesses

all the medical properties which we claim, therefore can be used with safety in cases of disorders of the Stomach, which are very common complaints, and, when neglected, often lead to serious complications. * * * a preventive for such symptoms as * * * sick headache, sour stomach, bad taste in the mouth, faint feeling, vomiting * * * dizziness * * * too full feeling after eating. Torpid Liver, Biliousness, Etc. The liver is the largest gland in the human body and requires to be rightly treated, or conditions may develop which may lead to a surgical operation. If the liver is not acting properly, slight yellowish discoloration of the skin will occur, causing dizziness, etc. This condition causes nervousness, lack of energy, and, if permitted to continue, will cause blighted health. As a preventative of these conditions * * *. The Kidneys Are of great importance as exits for excess fluids and impurities formed in the human body which largely pass through the bladder. Health largely depends upon the excretory organs of the body. They are subject to disorders causing backache and pains, puffiness beneath the eyes, sleepless nights; and if this is not treated, Diabetes and Bright's Disease may develop. Puratone (liquid) can also be used safely for these kind of troubles, because it acts on the Kidneys * * * Its general medical action is of great value * * *. When the bowels become * * * clogged by an accumulation of feces, the residuum thus retained slowly decomposes, producing gases and poisons which are absorbed and taken up by the blood. Unless the bowels are thoroughly cleansed and a regular habit established, the poisons thus taken into the system may cause conditions leading to boils, blotches, pimples, and sores. It may finally lead to inflammation of the bowels, liver and kidneys. Puratone (liquid) is an efficient medicine and does not create the habit that medicine must be continued to relieve constipation. General Debility is often the result of chronic constipation, producing nervousness, weakness, lack of vitality, loss of vigor, headache, etc. In helping to establish a regular habit Puratone (liquid) * * * tones up the nervous system, and soothes the irritable condition that often causes a shattered health. Puratone (liquid) is efficient in conjunction with medical treatment for specific diseases. The physician will find it a valuable adjunct. We recommend it for any condition to build up strength and vigor. * * * its wide range for good and quick and easy action in minor troubles with beneficial results in many chronic ones * * *. The One Best Medicine * * * when unfavorable symptoms occur. A Dose In Time Saves Nine Dosage.—Usually the dose is a small tablespoonful two or three times a day, half hour before or after eating, as is found best. Children, aged 2 to 5 years, $\frac{1}{2}$ to 1 teaspoonful. Older Children, 1 to 2 teaspoonfuls. You May Eat Anything You Like As nature and troubles differ, this amount should be changed to suit the case. Larger doses may safely be taken if found necessary to act thoroughly on the * * * Liver."

On May 28, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22962. Misbranding of Orange Ex-O Digestant and Tonic. U. S. v. 32 Bottles of Orange Ex-O Digestant and Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32315. Sample no. 61954-A.)

This case involved a drug preparation that was labeled with unwarranted curative and therapeutic claims. The labels were further objectionable since they conveyed the impression that it was composed of substances derived from oranges, whereas it was not; and since they represented that it was of vegetable and animal origin and would be noninjurious and harmless, whereas its laxative effect would result from the synthetic drug, phenolphthalein, and it might produce harmful and injurious effects.

On March 17, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 bottles of Orange Ex-O Digestant and Tonic at Dallas, Tex., alleging that the article had been shipped in interstate commerce, on or about August 17, 1933, by L. Wilzin, from Tonkawa, Okla., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of phenolphthalein (67 milligrams per 100 milliliters), pepsin, glycerin, sugar (1.1 grams per 100 milliliters), alcohol, and water.

The article was alleged to be misbranded in that the following statements and designs appearing in the labeling were false and misleading, since it contained phenolphthalein, a synthetic coal-tar laxative which might have injured or harmed the consumer, particularly if taken in large or indiscriminate doses; (Bottle and carton) "[Design of oranges, orange leaves, and orange flowers] Orange Ex-O"; (circular) "What Orange Ex-O is Orange Ex-O is a scientific preparation made of extracts from a choice selection of the purest vegetable and animal constituents * * * Orange Ex-O does not contain one single constituent that could possibly injure the most sensitive organ of the body, nor in any way harm anyone, even though large doses should be taken by mistake. [Similar statements in foreign languages]."

Misbranding was alleged for the further reason that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Bottle and carton) "Digestant and Tonic * * * It pays to keep well For the Stomach, Blood, Liver, Nerves"; (circular) "'It pays to Keep well' For Your Own Good * * * Orange Ex-O Preserver of Health and Vitality * * * which tend to preserve good health and vitality when already present or to restore these greatest of all blessings when sluggish or absent by * * * restoring the normal functions of the stomach, liver and intestines. * * * What Orange Ex-O Does Orange Ex-O tends to build up the normal functions of the body rather than to replace them and thus promote normal activity and health. Orange Ex-O exerts a beneficial influence upon the entire digestive tract. It has both sedative and tonic properties. It soothes the irritated stomach and exerts a tonic or stimulating effect upon the motor and secretory function of the stomach and intestines; thus breaking down the food and preparing it for rapid assimilation into the body in the form of healthy blood, flesh and bone. Why a Preserver Orange Ex-O * * * does not contain ingredients that stimulate the heart and lungs, and it is especially indicated where these effects are desired. Orange Ex-O by its stimulation of the entire digestive tract has a tendency to overcome constipation * * * Special Note Orange Ex-O has especial properties which exert a marked beneficial effect upon the female reproductive organs; it is especially indicated in all cases where there is marked distress and loss of vitality. (This preparation will not help diabetes.) Orange Ex-O. [Similar statements made in foreign languages]."

On May 28, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22963. Misbranding of Kal. U. S. v. 2 Cases and 9 Packages of Kal. Default decree of condemnation, forfeiture, and destruction. (F. & D. no 32487. Sample no. 65350-A.)

This case involved a drug preparation, the labeling of which bore unwarranted curative and therapeutic claims.

On April 6, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2 cases and 9 packages of Kal at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about March 6, 1934, by Makers of Kal, from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of powdered rice, cocoa, and dicalcium phosphate.

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Carton label) "The American people are undernourished in the essential mineral elements * * * the diet of millions is insufficient in minerals necessary to the proper functioning and well-being of the human body. * * * A day's ration, for an adult, is two or three heaping teaspoonfuls of Kal * * * Children should have at least three heaping teaspoonfuls of Kal daily. * * * a * * * protective food"; (circular headed "Kal") "'We Are What We Eat,' is the dictate of Science. A diet which contains all the food elements and factors necessary to life, the fats, the starches, the proteins, vitamins, the calcium and other mineral elements in their right proportion is a balanced diet. The wrong, the unbalanced diet, when continued day after day, year after year, will wear down the healthiest body,

will wreck the strongest constitution. If the diet is wrong over the years, the harmony of life's processes will be destroyed, the vital organs will break down and cease to function and when that happens only a correction of the error committed can restore the ailing body to health. * * * Fruits, vegetables, whole wheat, whole cereals and milk possess the food minerals, the calcium and phosphorus salts and the vitamins. The Tragedy of the American diet is that out wheat is turned into white, starchy flour and the minerals that the body hungers for are thrown away. Many of our cereals are 'refined' in the selfsame way. Our sugar, an important part of the daily food, is devitalized in manufacture; the precious calcium and phosphorus and other minerals are discarded. Our foods are manufactured, pasteurized, processed, altered and adulterated removing and destroying the roughage and the bulk and almost all of the minerals. Thus people may become starved for minerals. In the language of the doctor, such people suffer from Mineral Deficiency diseases. These are diseases which we acquire when our food does not supply enough minerals for our body needs, whether it be calcium, phosphorus, iron or any of the other important dietary factors. We need proteins in the diet, that everybody knows, for without proteins one would starve. We must have starches in our body to develop the energy necessary to carry on; without fats the body cannot function. These facts are known to people generally, but it is important that the mind of the public is directed to the important role of the other elements in food—the mineral elements, sometimes called the protective factors. These are vitally necessary to the proper functioning and well-being of the human body. * * * Kal * * * essential to the body * * * an accessory protective food * * * abundantly supplies calcium we need"; (circular headed "We Cannot Live Without Minerals") "The American public is fast learning the importance of food minerals. We have learned that iron is necessary to enrich the blood; that iodine is needed to prevent and cure goitre; that a few tiny grains of copper are needed in the treatment of pernicious anemia. Mothers are learning that unless baby gets enough Calcium it will grow bow-legged, chicken-breasted, sickly; unless they themselves get enough calcium, they lose their hair, their teeth become run down, unhealthy. The kind of iron which builds good blood is not the kind found in a horse-shoe; nor is the calcium, which cures rickets like that in chalk; the phosphorus in a match-end is different from that used to cure nervous diseases. The curative minerals are all Live, Organic substances. No one knows the explanation for the strange difference between live, organic minerals and the inorganic, dead minerals. It is locked in the bosom of Nature—the secret of life itself; but what we do know beyond question is that Food Minerals do work miracles! Also we know that a diet which does not have enough vital organic minerals will finally cause what the doctors call 'mineral deficiency diseases,' some of which are: rickets, anemia, goitre, chlorosis, female troubles and certain types of nervous breakdown, asthma, tuberculosis, migraine headache, eczema, epilepsy, insanity, high blood pressure, gland diseases, pyorrhea, decayed teeth, stomach ulcers and leg ulcers. Strangely, our civilization alone is responsible for inflicting upon itself a diet that is woefully lacking in mineral substances. We are all of us eating foodstuffs from which these vital minerals have been taken out. Our bread, our breakfast foods are tasty but the miller has torn away all the vital minerals. This is done to make flours look right, and keep indefinitely; but white flour and cereals are without value as far as the important mineral elements are concerned. Cooking also dissipates the minerals; they are thrown away in the pot liquors. Most of our foods are processed, preserved and changed in manufacture, the minerals being thrown away, dissipated, or destroyed. As a result millions unknowingly, are suffering from 'mineral deficiency diseases.' Science tells us that the minerals most lacking in American diet are calcium and phosphorus, without which the making of tissue, bones and blood is impossible. Those foods that contain the most minerals are the fruits and vegetables and milk. We depend almost exclusively upon these for our minerals. But unfortunately 90% of the average American diet consists of bread, potato, pastries and meat, meals that are unbalanced, heavy in starch and protein. A rational, ideal diet would call for at least 60% of fruits and vegetables, 40% starches, proteins and fats; but, unfortunately, very few people have learned to eat in this sensible way. The very soil upon which our food is grown has usually been robbed of minerals through exhaustion, lack of fertilization or improper rotation of crops. Thirdly, almost all of our basic foods are deprived of their essential live mineral content by preserving, refrigerating and refining. Makers

of Kal are solving the problem of supplying an accessory food so rich in concentrated minerals that it balances and makes up the deficiencies of the average diet. The user of Kal cannot suffer from mineral deficiency no matter how he eats because two heaping teaspoons of Kal per day supplies sufficient mineral nourishment * * * Kal is really the essence of mineral food elements. * * * ready to be digested and made into bone, blood and tissue. That is why Kal is truly the restorative food; Kal gives back to the diet the minerals which man's tampering has taken from the daily food. Kal makes the diet complete! Kal is a true tonic; it feeds the minute millions of body cells because it 'tones.' In this, Kal is entirely different from the 'tonics' generally known and sold for tonic effect. * * * They do not 'tone' or build. The inevitable reaction comes and you feel bad—low and depressed, the 'kick' one gets is paid for by loss in vitality and health. Kal promotes digestion through breaking down undigested starches. It contains a digesting factor which does not work with the speed of a drug, but in a short time its effects are manifest and certain. * * * Restorative—Two teaspoonfuls of Kal per day will restore the minerals lost through cooking, preserving, milling and careless unbalanced meals. Tonic—Two teaspoonfuls of Kal per day serves as a true Tonic for both adults and children. It will supply more than enough of minerals. The blood is enriched, the issues exhilarated and the processes of resistance against disease in the body are strengthened. Calcium Deficiency Diseases—As previously mentioned, certain diseases are originally the result of calcium lack. These are rickets, anemia, goitre, tooth decay and chlorosis. The use of digestible, usable calcium acts as a specific remedy in these cases. In those types of female troubles, nervous breakdown, asthma, tuberculosis, migraine headache, eczema, epilepsy, insanity, high blood pressure, gland diseases, pyorrhea, stomach ulcers, leg ulcers, due to a lack of calcium 4 teaspoonfuls of Kal supplies the necessary elements and paves the way to recovery. Menstrual Troubles—A large percentage of female troubles such as cramps flooding irregular painful and scanty menstrual periods are often due to a lack of calcium and phosphorus in the body. Woman menstruates because she does not become pregnant. The menstrual flow is composed of all the elements of the potential child, minerals which would have been the flesh, blood and bones of the baby, therefore, Nature expels large quantities of mineral elements, especially calcium and phosphorus which must be replaced. If a woman lacks calcium to begin with, her periods are hesitant, irregular, painful and abnormal. Three to four teaspoonfuls of Kal per day will supply enough of these minerals to overcome any deficiency and serve to overcome the abnormal periods. Teeth, Hair and Nails—Calcium is necessary for every tissue in the body, particularly for the so-called supporting and protecting tissues like bone, teeth, hair and finger nails. Very often cases of dry, sparse and unsightly hair indicate the absence of calcium and phosphorus in the body. The loss of hair following measles, scarlet fever and other infectious diseases is due to a depreciation of minerals in the body; brittle, lustreless nails, too. Pregnancy—The pregnant woman builds from her own blood and body tissues for the new life within her. Need for the minerals, especially calcium, is very great. Four teaspoonfuls of Kal per day is suggested to supply sufficient mineral nourishment for both mother and child. Due to lack of minerals, loss of teeth, loss of hair and severe morning sickness very often accompanies pregnancy. The use of Kal as a protection against the loss of teeth and the deterioration of hair is followed by most excellent results. Nursing—The mother's need during lactation, the nursing time, is as great and often greater than during pregnancy. During the nursing period the mother-milk is formed from body substances, particularly minerals. The troubles which mothers and babies experience due to poor milk can largely be avoided * * * At least four teaspoonfuls of Kal should be taken to supply the necessary minerals. Baby Feeding—Baby foods and milk modifiers now universally used supply starches and proteins to the babies' diet. They are not designed to give minerals. Kal-Water will supply minerals. Kal-Water is prepared by placing one heaping teaspoonful of Kal in a cup of water. This mixture should be brought to the boiling point and let simmer for three to five minutes. It should then be strained through cheese cloth. Two teaspoonfuls of the Kal-water are necessary in 24 hours. This can be added to the milk or given by mouth. After weaning Kal may be given to the baby as it is to adults. Two heaping teaspoonfuls per day will suffice until the permanent teeth begin to appear. At this time, Kal should be increased to three teaspoonfuls per day. Child Feeding—From the time the permanent teeth begin to appear, age 6-7,

until the bony growth of the child has been completed, age 14-15, calcium and phosphorus are required more than at any other time in life. This is particularly true at the time the child goes into puberty, when the girl is becoming a woman and the boy becoming a man. During the period of adolescence and puberty four teaspoonfuls of Kal per day is desirable"; (circular, headed "Food Cures or Kills") "Food Cures or Kills * * * 'We Are What We Eat,' is the dictate of Science. A diet which contains all the food elements necessary to life,—the fats, the starches, the proteins, the calcium and other mineral elements in their right proportion, is a balanced diet. On such a diet man thrives and is well-nourished, achieves health and builds up a resistance against disease. Such a person will rarely be sick; he cannot become constipated; his digestion is excellent; he will never be a candidate for diabetes, kidney disease, arterio sclerosis (hardening of the arteries) or any of the degenerative diseases that kill millions in the very prime of life. The wrong, the unbalanced diet, when continued day after day, year after year, will wear down the healthiest body, will wreck the strongest constitution. If your diet is wrong over the years, then disease is inevitable; the harmony of life's processes will be destroyed; the vital organs will break down and cease to function—and when that happens—no physician, no surgeon, no matter how skillful, can restore the ailing body to health. * * * Fruits, vegetables, whole wheat, whole cereals and milk possess the food minerals, the calcium and phosphorus salts and the vitamins. The Tragedy of the American diet is that our wheat is turned into white, starchy flour; and the minerals that the body hungers for are thrown away. All our cereals are 'refined' in the self-same way. Our sugar, an important part of the daily food, is devitalized in manufacture; the precious calcium and phosphorus and other minerals discarded. Our foods are manufactured, pasteurized, processed, altered and adulterated, removing and destroying the roughage and the bulk and almost all of the minerals. We have become a mineral-starved people. In the language of the doctor, America is suffering from Mineral Deficiency Diseases, from Calcium-phosphorus Starvation. These are diseases which we acquire because we cannot get out of our food enough minerals for our body needs, especially calcium, phosphorus, iron. Tooth decay, acidosis, profound nervous irregularities, menstrual disorders, rickets, anemia, pyorrhea, glandular disorder, abnormal blood pressures, asthma, hay fever, migraine headaches, tuberculosis,—these are usually mineral deficiency diseases brought about entirely or in part because of the absence of calcium in the diet. Such diseases cannot be treated through medicine or surgery; only foods rich in natural, organic calcium and mineral salts can solve the problem of health restoration, through gradually re-building and putting back into the body the elements that the body has been deprived of. The Makers of Kal have solved the problem of supplying the lack of these vital elements through the creation of Kal, * * * so rich in minerals, that it balances and makes up for diet deficiencies. * * * prepared from standard foods * * * 'The present day diet of Americans is severely criticized, by those who know it, as one which is deficient in mineral substances. * * * Because Kal is tremendously rich in the minerals which combat acidity, it has proven effective in overcoming auto-toxemia, the end results of constipation and acidity from any cause * * * Because women lack calcium, they are tortured by cramps, flooding and other symptoms at their menstrual periods. Kal has an immediate and direct effect in the relieving and restoring of the calcium balance."

On May 15, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22964. Misbranding of Joyz Maté. U. S. v. 42 Packages and 55 Packages of Joyz Maté. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32499. Sample nos. 67531-A, 67532-A.)

This case involved a product, the labels of which bore unwarranted therapeutic claims.

On April 4, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 small packages and 55 large packages of Joyz Maté at Newark, N. J., alleging that the article had been shipped in interstate commerce, on or about March 9 and March 16, 1934, by the

International Maté Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the article consisted of maté.

The article was alleged to be misbranded in that the following statements on the carton of the small packages and similar statements on the carton of the large packages, and in the respective circulars shipped with both sizes, were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: "The Vitalizing Drink * * * Joyz Maté Invigorates and combats fatigue. It is stimulating without harmful reactions. Joyz Maté does not injure the nervous system. It may be taken freely at all meals and between meals. Many use it as a pick-me-up when suffering from fatigue. * * * The mystic plant, drawing life from the fertile soil and ideal climatic conditions, is gathered and cured by a protective process which produces this energizing drink. * * * Joyz Maté is unsurpassed as a standby for business men and women, people of action, mental workers and athletes. * * * Be sure to read of the remarkably invigorating qualities * * * For added mental or physical stimulation, add more Joyz leaves to make a stronger beverage. * * * Joyz Maté iced is an invigorating * * * summer drink."

On May 19, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22965. Misbranding of Wonder Overhaul Tonic. U. S. v. 78 Bottles of Wonder Overhaul Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32512. Sample no. 67536-A.)

This case involved a drug preparation, the labeling of which bore unwarranted curative and therapeutic claims. It was also claimed for the article that it would produce no ill effects and was safe and harmless, whereas it contained an ingredient that might be harmful. The article contained undeclared alcohol.

On April 6, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 78 bottles of Wonder Overhaul Tonic at Newark, N. J., alleging that the article had been shipped in interstate commerce, on or about January 16, 1929, by the Fulton Health Institute, from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of sodium salicylate (1.6 grams per 100 milliliters), sodium bicarbonate (2.5 grams per 100 milliliters), extract of plant drugs including a laxative drug, glycerin, alcohol (1.1 percent by volume), and water, flavored with peppermint oil.

The article was alleged to be misbranded in that the following statements in the labeling were false and misleading: (Carton) "Has no after effects nor ill side effects on any organ of the body. * * * nor does it leave any toxic residue in the system. * * * may be administered to children with safety"; (circular) "May be taken by adults and children for a long period of time without any ill effects. * * * nor does it leave any toxic residue in the system. * * * absolutely harmless for children." Misbranding was alleged for the further reason that the packages failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article. Misbranding was alleged for the further reason that certain statements regarding the curative and therapeutic effects of the article, appearing on the carton label and in the circular, falsely and fraudulently represented that it was effective as an overhaul tonic; effective as a treatment for pains across the back, rheumatism, neuralgia and strained muscles; effective as a treatment for chronic constipation, indigestion, distress after eating, hyperacidity, bad taste in the mouth, halitosis and kidney trouble; effective in stimulating the action of the kidneys and bladder, alkalizing the contents of the kidneys and bladder, and soothing irritations of the bladder; and effective in ridding the body of impurities and waste matter through the kidneys and bowels and restoring the normal functioning of those organs.

On May 25, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22966. Misbranding of Speedway Liniment. U. S. v. 10 Bottles, et al., of Speedway Liniment. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32514. Sample nos. 65251-A, 65252-A, 65253-A.)

This case involved a drug preparation that was labeled with unwarranted curative and therapeutic claims. It was also labeled to convey the impression that it had been examined and approved and was guaranteed by the Government, whereas it had not been approved and was not guaranteed by the Government.

On April 11, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 large bottles, 18 medium bottles, and 34 small bottles of Speedway Liniment at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about February 24, 1934, by the Speedway Remedy Co., from Shelby, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of small proportions of volatile oils including almond oil, eucalyptol, menthol, and methyl salicylate, alcohol (49 percent) by volume, and water colored green. Quantitative estimation of the volatile oils showed that the total proportion of those ingredients was less than 2 percent.

The article was alleged to be misbranded in that the statement in the circular, "Guaranteed by Speedway Remedy Co. under Food and Drugs Act, June 30, 1906, Serial No. 18992", was misleading, since it created the impression that the article had been examined and approved by the Government and that the Government guaranteed that it complied with the law, whereas it had not been approved by the Government and the Government did not guarantee that it complied with the law. Misbranding was alleged for the further reason that the cartons, bottle labels, and circulars contained false and fraudulent representations relative to its effectiveness as a treatment and remedy for all muscular soreness, muscular rheumatism, inflammatory rheumatism, backache, lumbago, stiff neck, sciatica, lameness, stiff joints, foot troubles, gouty feet, swollen feet, aching feet, bunions, sore throat, earache, toothache, azoturia, swelling and soreness of any kind, cold on the lungs, pneumonia, congestion of the throat, and eruptions caused by ptomaine poisoning; as effective in stopping and relieving all kinds of pain, or removing congestion, as effective in assisting nature in its process of reconstruction; in helping the circulation carry away all soreness; as to its penetrating and healing qualities; and as effective to leave the skin in the pink of condition.

On May 15, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22967. Misbranding of Glycan Foot Rub. U. S. v. 18 Jars and 34 Jars of Glycan Foot Rub. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32533, 32534. Sample nos. 68827-A, 68838-A.)

Examination of the drug preparation involved in these cases showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It was also claimed for the article that it had been perfected under the approval of this Department, whereas it had not.

On April 12, 1934, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 18 jars (50-cent size) and 34 jars (35-cent size) of Glycan Foot Rub at Wilmington, Del., alleging that the article had been shipped in interstate commerce from Philadelphia, Pa., in part by the Samaco Sales Co., Inc., on or about March 23, 1933, and in part by the Glycan Laboratories, Inc., on or about March 24, 1934, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the article by this Department showed that it consisted essentially of salicylic acid, extract of a plant drug such as cannabis (approximately 1.5 percent), a small proportion of borax, soap, stearic acid, and water (approximately 73 percent), perfumed with volatile oils such as menthol, methyl salicylate, and thymol.

It was alleged in the libels that the article was misbranded in that the following statement appearing in the circular was false and misleading: "Perfected under the approval of the Pure Food and Drug Department of the United States Government."

It was alleged in the libels that the article was misbranded in that the labeling contained false and fraudulent claims relative to its effectiveness in the treatment of bunions, distressed, suffering, aching, sore or swollen feet, inflamed tissues, soreness or inflammation, skin cracks, stiff, swollen, rheumatic joints, congestion or swelling, varicose veins, warts, and ground itch.

On July 6, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22968. Adulteration and misbranding of Sulfox. U. S. v. 142 Bottles and 58 Bottles of Sulfox. Default decrees of condemnation and destruction. (F. & D. nos. 32543, 32544. Sample nos. 61721-A, 61800-A.)

This case involved a drug product that was labeled with unwarranted claims as to its curative and therapeutic properties. It was also claimed for the article that it contained sulphur and oxygen and would be effective in destroying germs, whereas it contained no free sulphur or free oxygen, and would not destroy germs.

On April 14, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 200 bottles of Sulfox at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, in part on or about December 11, 1931, and in part on or about January 27, 1932, by the Sulfox Manufacturing Co., from Mansfield, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the article consisted of sulphur dioxide (not more than 0.3 percent), sulphuric acid (0.36 percent), ash (a trace), and water (more than 99 percent).

It was alleged in the libels that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, (circular wrapped around the bottle) "Germ destroyer, * * * Its * * * Germ-Destroying Powers Destroys all Germs * * * Sulfox contains sulphur * * * and oxygen."

Misbranding was alleged for the reason that the following statements in the circular were false and misleading: "Germ destroyer * * * Its * * * Germ-Destroying Powers destroys all germs, * * * Sulfox contains sulphur * * * and oxygen." Misbranding was alleged for the further reason that the shipping container, bottle label, and circular contained false and fraudulent claims relative to its effectiveness to promote better health, keep the blood pure, regulate bowel action, purify the blood, destroy germs, and its effectiveness in stomach trouble, misery and torture at menstrual time, female trouble, boils, blood poisoning, sick stomach, pyorrhea, catarrh, throat trouble, etc., poor circulation, pollution of the blood stream, poisons of the system, diseases caused by the teeth, rheumatism, neuritis, nervousness, lumbago, catarrh, indigestion, stomach, kidney, bladder, heart, throat and lung trouble, torpid-liver, run-down condition, pyorrhea halitosis, sugar diabetes, sleeplessness.

On June 4, 1934, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22969. Misbranding of Fagisote. U. S. v. 12 Bottles of Fagisote. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32580. Sample no. 71305-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 25, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 bottles of Fagisote at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about April 12, 1934, by the McKesson-Langley Michaels Co., Ltd., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Fagisote * * * Olivoint Chemical Company, Manufacturers and Distributors * * * San Francisco."

Analysis of a sample of the article by this Department showed that it consisted essentially of a lime water solution of wood creosote plus glycerin.

It was alleged in the libel that the article was misbranded in that the label and circular contained false and fraudulent representations that it was effective in the prevention and treatment of coughs, influenza, bronchitis, pneumonia, tuberculosis, typhoid fever, scarlet fever, measles, debilitating diseases, lung diseases, pyorrhea, spongy and bleeding gums and effective in feeding and stimulating the phagocytes and effective as a tonic. Misbranding was alleged for the further reason that the statement on the label, "Guaranteed to comply with * * * National * * * Pure Food & Drug Regulations", was misleading, since it created the impression that the article had been examined and approved by the Government, and that the Government guaranteed that it complied with the law, whereas it had not been so examined and approved.

On June 28, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22970. Misbranding of Magnesia Oxoids. U. S. v. 71 Packages and 20 Packages of Magnesia Oxoids. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32585, 32586. Sample nos. 67543-A, 67684-A.)

These cases involved shipments of a drug preparation, the labels of which bore unwarranted curative and therapeutic claims. It also was claimed for the article that it was safe to take in any quantity, that it contained nothing injurious, and would produce no harmful reaction, whereas it contained ingredients that might be harmful.

On April 23, 1934, the United States attorneys for the District of New Jersey and the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 71 packages of Magnesia Oxoids at Newark, N. J., and 20 packages of Magnesia Oxoids at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce, in part on or about February 24, 1934, and in part on or about March 29, 1934, by the Eton Products, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of magnesium oxide (2.2 grains per tablet), magnesium peroxide (1.5 grains per tablet), and starch.

The article was alleged to be misbranded in that the following statements in the circular were false and misleading: "Safe to take in any quantity * * * You can take Magnesia Oxoids as often as you feel necessity, or in any quantity you desire, for they contain nothing injurious, and produce no harmful reaction. They are wholly good, and good for you * * * Magnesia Oxoids may be safely given to children." Misbranding was alleged for the further reason that certain statements regarding the curative or therapeutic effects of the article, borne on the carton and label and in the circular, falsely and fraudulently represented that it was effective as an aid to digestion; effective in distress due to excessive formation of gas; effective in the treatment of stomach acidity; effective in the following conditions attributable to acidity: Loss of strength, vitality, and resistance to disease, acid dyspepsia, heartburn, flatulence, gassy fullness in the stomach and intestines, painful pressure around the heart, nausea, intermittent vomiting, three o'clock headaches, nervousness, sleeplessness, bad breath, tooth and gum troubles, fermentation and putrefaction in the gastro-intestinal canal; and effective after overindulgence in eating, drinking, or smoking.

On June 30 and July 5, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered, and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22971. Misbranding of Seven Barks. U. S. v. 67 Packages of Seven Barks. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32588. Sample no. 65254-A.)

Examination of the drug preparation Seven Barks showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Analysis showed that the article contained less alcohol than declared.

On April 27, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 67 packages of Seven Barks at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about February 26, 1934, by Lyman Brown, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs dissolved and suspended in dilute acetic acid. It contained not more than a trace, if any, of alcohol.

It was alleged in the libel that the article was misbranded in that the statement on the bottle label, "7¼% of Alcohol is contained in this preparation", and the statement on the carton, "Alcohol 7¼ Per Cent", were false and misleading, since the article contained not more than a trace, if any, of alcohol. Misbranding was alleged for the further reason that the following statements in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Carton) "Dyspepsia, Indigestion, Rheumatism", (bottle) "Dyspepsia, Rheumatism and Diseases of the Liver & Kidneys."

On June 8, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22972. Misbranding of Dr. Fenner's Golden Relief. U. S. v. 94 Packages of Dr. Fenner's Golden Relief. Default decree of condemnation and destruction. (F. & D. no. 32589. Sample no. 6S027-A.)

Examination of the drug preparation involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 23, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 94 packages of Dr. Fenner's Golden Relief at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about February 22, 1934, by S. C. Wells & Co., from LeRoy, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of guaiac, myrrh, red pepper extract, ammonia, chloroform, ether, volatile oils including camphor, turpentine oil and sassafras oil, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Carton) "Internally For Colic and Diarrhea Caused by Wrong Eating. Externally * * * For Muscular congestion or cramps, stiff * * * muscles, due to exertion, exposure or fatigue"; (bottle) "To Relieve Inflammation and Pain * * * deep seated inflammation or pain, apply Golden Relief full strength"; (circular) "Directions For Internal Use To relieve Stomach Pains, Cramps, Colic, Summer Complaint, Diarrhoea;—One to two teaspoonfuls in twice the quantity of sweetened water. Reduce dose for children. For Common Sore Throat and Canker Sores.—Gargle or wash frequently with one tablespoonful to four or six parts of water sweetened. If glands are swollen apply externally full strength. * * * Fevers.—Two teaspoonfuls in sweetened water every hour for several hours until a good sweat is started. For Horse or Mule Colic.—A two ounce bottle in a quart of water and drench. Repeat in fifteen minutes if animal is not better. For Scours in Calves.—One tablespoonful to four of water every hour for three times, then three times a day if necessary. Externally Backache or Lumbago. Rub * * * Stiff Joints, Neuritis, with Golden Relief and apply a cloth well saturated with Relief. Repeat in three hours if necessary. * * * Apply full strength, or as strong as can be borne. Repeat until relieved."

On June 4, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22973. Misbranding of Hart's Swedish Asthma and Hay Fever Medicine. U. S. v. 11 Packages, et al., of Hart's Swedish Asthma and Hay Fever Medicine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32591, 32592. Sample nos. 68022-A, 68023-A, 68026-A.)

These cases involved various lots of a drug preparation, the labels of which bore unwarranted curative and therapeutic claims. The label on one of the lots represented that the article contained alcohol, whereas it contained no alcohol.

On April 23 and April 25, 1934, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 164 packages of Hart's Swedish Asthma and Hay Fever Medicine at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, in various shipments, on or about August 24, 1933, January 18 and March 28, 1934, by Hart's Medicine Co., from Buffalo, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of potassium iodide, approximately (12 grams per 100 milliliters), a bitter drug, glycerin, and water, colored pink.

The article was alleged to be misbranded in that certain statements on the wrapper, bottle label, and in the circular, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective as a preventative, treatment, and cure for asthma, hay fever, bronchial trouble, and bad cough, and that it could be administered indefinitely to the weakest stomach without causing any disturbance. Misbranding of one lot was alleged for the further reason that the statement on the bottle label and wrapper, "Pure Grain Alcohol, 4 per cent", was false and misleading, since the article contained no alcohol.

On June 4, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22974. Misbranding of Katro-Lek. U. S. v. 14 Bottles and 14 Bottles of Katro-Lek. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32597. Sample nos. 67664-A, 67665-A.)

This case involved a drug preparation that was labeled with unwarranted curative and therapeutic claims.

On April 26, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 bottles of Katro-Lek at Scranton, Pa., alleging that the article had been shipped in interstate commerce, on or about February 19, 1934, by the W. Wojtasinski Drug Co., from Boston, Mass., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of small proportions of iron and ammonium, extracts of plant drugs including a laxative drug, beef extract, a sugar, and water. It had an acid reaction.

The article was alleged to be misbranded in that certain statements on the carton and in the circular falsely and fraudulently represented that it was a stomach remedy, and was effective in the treatment of stomach trouble, gastritis, dyspepsia, indigestion, stomach catarrh, headache, nervousness, chronic constipation, and pains and dizziness in the head; effective in increasing red blood corpuscles; effective in restoring health and strength in run-down conditions; effective as a body food; and effective in regulating the digestive organs and in giving tone to the body.

On June 30, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22975. Misbranding of Raz-Mah. U. S. v. 64 Packages, et al., of Raz-Mah. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32602. Sample nos. 64254-A, 64255-A, 64256-A.)

This case involved a drug preparation, the labeling of which bore unwarranted curative and therapeutic claims.

On April 28, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of sixty-four 35-cent packages, two-hundred and two \$1 packages, and three \$5 packages of Raz-Mah at Chicago, Ill., alleging that the article had been shipped in interstate

commerce by the McKesson Farrand Williams Drug Co., from Detroit, Mich., that it had been received at Chicago, Ill., between the dates of September 13, 1933, and February 17, 1934, and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Raz-Mah * * * Manufactured by Templetons Incorporated * * * Detroit, Michigan."

Analyses of samples by this Department showed that the \$1 and \$5 packages consisted of capsules containing in each: Acetylsalicylic acid (approximately 0.3 gram), caffeine, and charcoal; and that the 35-cent packages consisted of capsules containing acetylsalicylic acid, caffeine, and charcoal, white pills composed of potassium nitrate, plant material, including a laxative drug, uva ursi, red pepper, and juniper oil, and blue pills containing drugs of vegetable origin including aloin, red pepper, and strychnine.

The libel alleged that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (\$1 carton) "Raz-Mah A Medicine to Alleviate The Acute Paroxysms or Distressing Conditions arising from Asthma and Hay Fever Raz-Mah Directions Two Capsules Immediately Before or After Each Meal. If Suffering at Bedtime an Extra Dose May be Taken"; (35-cent carton) "Raz-Mah, A Medicine To Alleviate The Acute Paroxysms or Distressing Conditions Arising from Asthma, Bronchitis, Hay Fever * * * Directions For Asthma, Bronchitis, Hay Fever Take 2 Raz-Mah capsules immediately before or after each meal. If suffering at bedtime an extra dose may be taken. * * * Children 7 to 15 years half the adult dose"; (\$5 carton) "Raz-Mah is a medicine to alleviate the acute paroxysms or distressing conditions arising from Asthma and Hay-Fever Bronchitis * * * Directions two Raz-Mah an hour before retiring and one or two at meal time as required; further directions enclosed. To Sleep To-night Use Raz-Mah To-Day." The libel further alleged that circulars shipped with the article contained false and fraudulent claims relative to its effectiveness in the treatment of wheezy breathing, mucous gatherings in the bronchial tubes, shortness of or gasping for breath, loss of sleep through difficult breathing, stubborn and periodic head colds, bronchial asthma and other bronchial irritations, asthma and bronchorrhoea, constriction in the throat and chest, with difficult deglutination and marked innervation, accumulation of mucus and sanious matter, renal asthma, rose cold, headache, depression, low spirits, and kidney trouble.

On July 8, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22976. Misbranding of Cox-Cis. U. S. v. 47 Packages, et al., of Cox-Cis. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32604. Sample nos. 54697-A, 54698-A, 64699-A.)

This case involved three lots of a drug product known as Cox-Cis. Two of the lots were accompanied by a circular containing unwarranted curative and therapeutic claims. The third lot was labeled, "Cox-Cis for Poultry", to convey the impression that it was effective in the treatment of coccidiosis of poultry, whereas it was not.

On April 26, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three lots consisting of 47, 71, and 131 packages of Cox-Cis at Ellicott City, Md., alleging that the article had been shipped in interstate commerce, on or about October 3, and October 13, 1933, and February 16, 1934, by the Kloister Laboratories, from Ephrata, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of beta naphthol (approximately 2½ percent) and limestone (approximately 97½ percent).

The libel alleged that two of the lots were misbranded in that certain statements on the carton and in a circular shipped with the article falsely and fraudulently represented that it was effective in the prevention and treatment of coccidiosis (bloody diarrhea); in the treatment of all forms of intestinal intoxication and infection; in keeping the intestinal tract clear; and as effective in keeping chickens healthy and in causing better egg production. Misbranding of the remaining lot was alleged for the reason that the statement on the carton label, "Cox-Cis For Poultry", was false and fraudulent.

On June 12, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22977. Misbranding of whisky. U. S. v. 2 Cases and 1 Case of Rewco Rye Whisky. Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 32695, 32779. Sample nos. 62749-A, 62755-A.)

These cases involved shipments of whisky which was not labeled to show the percentage of alcohol by volume. The labels contained unwarranted claims regarding its medicinal properties.

On May 9 and 28, 1934, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of three cases of whisky at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce, on or about December 8, 1933, and March 23, 1934, by the American Medicinal Spirits Co., Inc., in part from Baltimore, Md. and in part from Camden Station, Md., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that its package failed to bear upon its label a statement of the quantity or proportion of alcohol contained in the article. Misbranding was alleged for the further reason that the following statements appearing on the carton label were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: "Constitutional Tonic * * * highly recommended in general debilitated and run down conditions of the system. Tones up the stomach and digestive organs, * * * and aids digestion by its local effect upon the stomach and by stimulating the nerve and arterial centers, hence an excellent Stomach Tonic and is especially useful in treating Chronic Indigestion. Whiskey does not directly elevate the temperature and is not contraindicated by fever, in typhoid and other low fevers its value is unexcelled. It is an excellent Prophylactic and therefore renders the system immune from various diseases. It is especially useful in treating chronic conditions where a lack of nutrition is evident. * * * has proven itself meritorious in treating Pulmonary conditions, La Grippe, Influenza, * * * Bronchitis, Fevers, Stomach Complaints, Weakness of the Stomach and other Digestive Organs, Malaria, especially indicated for exhaustion due to mental or bodily over-work, run-down conditions of the nerves, Sleeplessness, etc., also in weakness of convalescence and debility of old age. It has no equal in the treatment of the various menstrual disorders. Externally * * * dressing for wounds, ulcers, etc."

On July 3, 1934, the Buffalo Wine & Liquor Co., Inc., and S. M. Flickinger Co., Inc., Buffalo, N. Y., having appeared as claimants for respective portions of the property, and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds conditioned that it be removed from the cartons and replaced in new, correctly labeled cartons.

M. L. WILSON, *Acting Secretary of Agriculture.*

22978. Misbranding of Savol Antiseptic and Savol Cream. U. S. v. 23 Bottles of Savol Antiseptic, et al. Default decrees of destruction. (F. & D. nos. 32671, 32672, 33009, 33010. Sample nos. 42571-A, 42572-A, 61084-A, 61085-A.)

These cases involved drug preparations, the labels of which bore unwarranted curative and therapeutic claims. The labeling also bore false and misleading statements relative to their alleged antiseptic properties.

On May 7, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 23 bottles of Savol Antiseptic and 11 jars of Savol Cream at Huntingburg, Ind. On June 28, 1934, a libel was filed against 10 bottles of Savol Antiseptic (amended July 5, 1934) and 10 jars of Savol Cream at Louisville, Ky. It was alleged in the libels that the articles had been shipped in interstate commerce, on or about March 15, 1934, and April 26, 1934, by the Savol Chemical Co., from Mercer, Pa., and that they were misbranded in violation of the Food and Drugs Act as amended.

Analyses showed that the Savol Antiseptic consisted essentially of phenolic substances, soap, and water; and that the Savol Cream consisted essentially of barium sulphate and zinc oxide, incorporated in petrolatum, perfumed with essential oils including eucalyptol.

The libels charged misbranding of the Savol Antiseptic in that the statement in the circular, "It has three times as much germ-destroying power as carbolic acid", was false and misleading since it did not possess three times as much germ-destroying power as carbolic acid. Misbranding of the said Savol Antiseptic was alleged for the further reason that certain statements regarding its curative and therapeutic effects, borne on the bottle label, carton, and in the circular, falsely and fraudulently represented that it was effective as a treatment or cure for wounds, punctured wounds, punctures made by dirty nails, splinters, etc., dog bite, bites of animals, sores, open sores, festering sores, inflamed pimples, sore throat, nasal catarrh, gangrene of the toes, and leucorrhea; effective for diseased poultry; effective in catarrh, hay fever, and kindred ills; effective in preventing disease, preventing all complications due to infection, overcoming infection, preventing infected sores, blood poisoning, lockjaw, felons, boils, abscesses, carbuncles, erysipelas, and even death; effective in limiting and destroying germ infection; effective in lessening the danger of secondary infection following diphtheria, scarlet fever, and acute diseases of the nose and throat. The libels also charged violations of the Insecticide Act of 1910, reported in notice of judgment no. 1339 published under that act.

Misbranding of the Savol Cream was alleged for the reason that the statement on the jar and carton labels and in the circular, "Antiseptic", was false and misleading, since bacteriological tests showed that the article did not possess antiseptic properties. Misbranding of the Savol Cream was alleged for the further reason that the following statements in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Jar) "Healing * * * For * * * bites, * * * of animals, * * * etc.; for all forms of piles, all sores and skin diseases; also, for the after treatment of * * * felons, carbuncles, erysipelas, etc. * * * Use on the neck for sore throat, croup, enlarged glands, etc."; (carton) "Healing * * * For * * * Boils, and Felons, Sores, Ulcers, * * * Itching Piles, Eczema and Skin affection in General"; (circular) "Healing * * * Sores in general * * * eczema * * * For dandruff and falling of the hair."

On July 9 and August 9, 1934, no claimant having appeared, judgments were entered ordering that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22979. Misbranding of Kojene Antiseptic. U. S. v. 106 Bottles and 22 Bottles of Kojene. Default decree of condemnation and destruction. (F. & D. no. 32691. Sample nos. 68028-A, 68029-A.)

This case involved a drug preparation, the labels of which bore unwarranted curative and therapeutic claims. Bacteriological tests showed that it was not an antiseptic when used as directed in various parts of the labeling.

On May 8, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one hundred and six 6-ounce bottles and twenty-two 12-ounce bottles of Kojene Antiseptic at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, on or about March 10, 1934, by the Kojene Products Corporation, from Rochester, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Kojene Products Corporation Rochester, N. Y."

Analysis showed that the article contained oxyquinoline sulphate (approximately 0.83 percent), benzoic acid (approximately 0.1 percent), sulphur dioxide, methyl salicylate, and water.

It was alleged in the libel that the article was misbranded in that the following statements in the labeling were false and misleading, since it was not antiseptic in a brief period of time as directed in various parts of the labeling: (Cartons and bottle label for the 12-fluid-ounce size) "Antiseptic * * * safe effective dependable", (cartons only) "May be used with the fullest confidence in its efficiency as * * * antiseptic. For the mouth and gums Kojene is often recommended * * * as a mouth wash and a gargle for the throat"; (bottle labels) "Gargle for the Throat: As a gargle use 1 part Kojene to 5 parts water * * * Spray for the Nose: * * * we recommend a dilution of 1 part Kojene to 10 parts lukewarm water. For Use in the Mouth: As a wash following the extraction of teeth, to relieve the discomfort of artificial plates or keep the gums and tissues of the mouth in a clean, normal condition, use 1 part Kojene and 5 parts lukewarm water. Hold this

solution in the mouth for a minute or two, * * * Baby's Mouth: * * * use 1 part Kojene with 15 parts of lukewarm water. Bad Breath: Use as a mouth wash 1 part Kojene to 5 parts of water. Douche: Three tablespoonfuls of Kojene in 1 quart warm water makes a safe * * * douche"; (circular) "I am glad to say * * * that a complete test of Kojene * * * shows it to be * * * the most powerful * * * antiseptic thus far placed before the medical profession. It is completely safe * * * and there can now be no excuse whatever for the continued use of bichloride' * * * 'Whenever and wherever I need an antiseptic solution, I am employing Kojene.' * * * 'Among its advantages are * * * its powerful efficiency as an antiseptic,' * * * 'Kojene is very valuable, not only because of its intense antiseptic properties * * * Simply brushing the teeth is not enough for proper mouth hygiene * * * the regular use of an antiseptic every night and morning is essential. To a half-glass of warm water add one teaspoonful of Kojene. Use it to brush your teeth, and to rinse every part of your mouth. Hold the solution in your mouth for a minute or two. * * * Gums * * * Go over them every night and morning with a bit of cotton soaked in Kojene full strength. You will find Kojene * * * antiseptic in its action. * * * It * * * acts as a powerful * * * disinfectant. For a gargle, use 1 part of Kojene to 5 parts of warm water (hot as you can stand it) every hour. * * * Disinfects blisters, as well as cuts and scratches from the manicure. To a quart of warm water they add three tablespoonfuls of Kojene and use the solution as a vaginal douche * * * The antiseptic action of Kojene is instantly effective."

Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Bottle label) "As a wash * * * to * * * keep the gums and tissues of the mouth in a * * * normal condition, use 1 part Kojene and 5 parts lukewarm water. * * * Bad Breath: Use as a mouthwash 1 part of Kojene to 5 parts of water"; (carton) "As a 'first aid' Kojene is a splendid application to avoid infection and inhibit germ growth"; (circular "I am employing Kojene. I find it useful in my nose and throat work both before and after operation, * * * It is my opinion that * * * ulcers heal more quickly under Kojene. * * * I have found Kojene very effective in the treatment of tonsillitis, pharyngitis and sinusitis.' * * * Simply brushing the teeth is not enough for proper mouth hygiene, for the mouth contains thousands of germs. Some are due to the decomposition of food particles that cling to the teeth; others are breathed in. * * * This Kojene mouthwash is * * * healing. * * * and keep the Gums healthy * * * Soft Spongy, Bleeding Gums may lead to pyorrhea. Go over them every night and morning with a bit of cotton soaked in Kojene full strength. * * * For a nasal spray add 1 part of Kojene to 10 parts of lukewarm water. By means of an ordinary glass nasal douche, which you can get at any drug store for a few pennies, wash out the nasal passages with this soothing solution two or three times a day. Bob your head around slowly so that the solution can run freely through the passages, but be careful not to blow your nose too hard. * * * Catarrhal Conditions of the nose are immensely benefited by the use of a Kojene nasal spray. * * * For a gargle, use 1 part of Kojene to 5 parts of warm water (hot as you can stand it) every hour. Ordinary Sore Throat and Inflamed Tonsils are promptly relieved by the use of Kojene. At the first painful swallow gargle with Kojene and stop a sore throat before it starts. Smoker's Sore Throat quickly yields to Kojene. If you have been smoking so much that your throat is raw and inflamed, and you have acquired that annoying, hacking cough, and your head is stopped up, gargle with Kojene, and also use it as a nasal douche. You will be amazed at the relief. * * * While the normal unbroken skin is a natural protection against infection, even the slightest cut or scratch calls for the prompt use of an effective antiseptic. In the case of serious injuries, needless to say, a physician should be called. A famous surgeon who has used Kojene extensively in his practice says that it is an ideal antiseptic for first aid; it inhibits germ activity even in the presence of organic matter, and it stimulates the tissues themselves to fight infection, thus promoting rapid healing—often without scars. * * * Food Poisoning. When one is suffering intense agony from eating tainted food, Kojene offers marvelous First Aid until the doctor comes. To half a glassful of warm water add two teaspoonfuls of Kojene, and drink the solution. Kojene administered in this way, physicians say, counteracts the influence of the tainted food, and quickly stops the agonizing

pain. They recommend that it be followed next morning by a purgative. * * * 'It has been our practice to prescribe Kojene as a post-operative home remedy to our patients almost to the exclusion of all other agents. It also is routine practice in the office both in surgical as well as pathological cases.' * * * 'I believe 80% of my patients are using Kojene. I have recommended it very emphatically, and I knew it produces results. I use it repeatedly in my offices as routine, and patients come back and tell me how wonderful it is.' * * * 'In all cases of extraction and surgical operations of the mouth we recommend Kojene. We also use Kojene exclusively for post-operative irrigations. We highly recommend Kojene on cases of this type because we get the best results from it.' * * * 'Kojene is wonderful aid in treatment of pyorrhea, extraction, trench mouth, and gingivitis.' * * * 'I am getting exceptionally good results in mouth treatments, infected sockets, and other inflamed conditions.' * * * 'Just two weeks ago I was talking to a patient who had had a sore throat for three days, used everything and said it wasn't any better. I prescribed Kojene. He told me the next day that his throat was entirely well the next morning.' * * * 'I use Kojene continually at the chair, and prescribe it on an average of twenty times a day.' **Strike Bad Breath At Its Source!—Drink Your Antiseptic Not Just Rinse Your Mouth** No matter how fussy you may be about scrubbing your teeth and spraying your nose and gargling your throat, you may still have an offensive breath. For though the odor may come from diseases or disordered conditions in the mouth, nose or throat, frequently it is due to some upset in the stomach or bowels, such as constipation or chronic indigestion. Or it may be due to the germ-laden saliva and other discharges from mouth, nose and throat that you unconsciously swallow. To be sure of a sweet breath every day—and almost all day—fight the putrid odor in your stomach as well as in your mouth, nose and throat. Instead of swishing a fancy flavored mouth wash around in your mouth, go after an offensive breath this new way: Drink a teaspoonful of Kojene in a half glassful of water night and morning. Kojene, the only powerful antiseptic you can swallow, ends a putrid odor in a hurry. Instantly effective, it is pleasant to use and very refreshing. It is absolutely non-poisonous, and as safe for the delicate lining of your stomach as for the tender membranes in your mouth and throat. Physicians have often prescribed it in cases of food poisoning and other putrefactive conditions. Needless to say, you should consult your doctor about any disease that is making your breath offensive. **Instant Relief For Itching Skin Eczema, * * * And Other Common Skin Troubles** Kojene is wonderfully effective in the relief of certain common skin affections. It counteracts many plant poisons, * * * reduces swelling and inflammation; disinfects blisters, sores, etc., soothes burning, smarting, irritation of any kind. For skin troubles like these Kojene should be used full strength. In severe cases, a continuous wet dressing is recommended. * * * prevents unsightly redness, and disinfects any razor cuts or scratches. Apply Kojene full strength, and let it dry on the skin. * * * Disinfects blisters, as well as cuts and scratches from the manicure. * * * It may indeed stimulate membranes harmed by the previous use of poisonous chemicals."

On June 21, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

M. L. Wilson, *Acting Secretary of Agriculture.*

22980. Misbranding of Pett's Salve. U. S. v. 28 Packages of Pett's Salve. Default decree of condemnation, forfeiture, and destruction.
(F. & D. no. 32732. Sample no. 65261-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On May 23, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 packages of Pett's Salve at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about February 12, 1934, by Pett's Inc., from Milwaukee, Wis., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted chiefly of wool fat, sulphur (15.9 percent), salicylic acid (8.7 percent), and traces of a cinnamon odor.

It was alleged in the libel that the article was misbranded in that the carton, jar label, and circular contained false and fraudulent claims relative to its effectiveness in the treatment of eczema, watery pimples, dandruff, all diseases of the skin and scalp, pimples, tetter, salt rheum, scabby scalp, boils and other infections, skin eruptions and ringworm; and to its effectiveness in keeping the scalp healthy and the skin clear.

On July 18, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22981. Misbranding of Liberties. U. S. v. 173 Packages and 54 Packages of Liberties. Default decree of forfeiture and destruction. (F. & D. no. 32745. Sample nos. 68409-A, 71719-A to 71722-A, incl.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It was also claimed for the article that it would be effective in destroying harmful germ life and bacteria, whereas it would not be so effective when used as directed.

On May 22, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 173 packages, dollar size, and 54 packages, 2-dollar size, of Liberties, at Boston, Mass., alleging that the article had been shipped in interstate commerce, in various shipments, on or about August 8, 1928, June 15, August 30, October 3, and October 24, 1933, by the Research Products Corporation, from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of chloramine-T, Rochelle salt, sodium bicarbonate, and starch.

It was alleged in the libel that the article was misbranded in that the following statements on the carton label and in an accompanying circular were false and misleading: (Carton) "Liberties destroy germs effectively and almost instantly"; (circular) "When Liberties come in contact with moisture, (the natural vaginal secretions being sufficient), they * * * destroy harmful germ-life and bacteria in the vaginal tract. * * * its ability to mix with the vaginal secretions and render them antiseptic * * * the germ-destroying Chloramine-T given off by Liberties almost instantly oxidizes and completely destroys germ-life. The germ-destroying * * * Chloramine radiates in every direction reaching most minute folds and crevices of the vaginal tract. Should you feel a slight drawing sensation * * * This slight drawing feeling is caused by the antiseptic action of Liberties upon the affected parts. * * * the powerful gas-releasing Chloramine acts to destroy germ-life and bacteria in the vaginal tract. * * * We have had * * * chemical laboratories * * * make several tests on germs far more virulent than are usually found in the vaginal tract. Their report proves positively that the germicidal ingredient in Liberties actually does destroy germ-life." Misbranding was alleged for the further reason that the labeling contained false and fraudulent representations regarding its effectiveness in the treatment of leucorrhea and other vaginal disorders, and its effectiveness to produce naturalness and freedom during the menstrual period.

On July 10, 1934, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22982. Adulteration and misbranding of whisky. U. S. v. 71 Cases of Old Webwood A Blend of Whiskies, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32747, 32757. Sample nos. 67568-A, 67578-A, 67579-A.)

These cases involved shipments of whisky labeled "For Medicinal Purposes Only." Examination showed that it fell below the requirements of the United States Pharmacopoeia, and that it was not labeled to show the percentage of alcohol by volume.

On May 24 and May 25, 1934, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 81½ cases of whisky in part at Jersey City, N. J., and in part at Hoboken, N. J., alleging

that the article had been shipped in interstate commerce, on or about February 24, March 9, and April 6, 1934, by the Brown-Forman Distillery Co., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Old Webwood A Blend of Whiskies", and "Gilded Age A Blend of Whiskies Brown-Forman Distillery Co. Incorporated at Louisville in Kentucky."

It was alleged in the libels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity, as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "For Medicinal Purposes Only", was false and misleading, and for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article.

On August 25, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22983. Misbranding of D. D. Capsules. U. S. v. 19 Dozen Packages of D. D. Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32749. Sample no. 71265-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On May 24, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 dozen packages of D. D. Capsules at Portland, Oreg., alleging that the article had been shipped in interstate commerce, in part on or about July 20, 1933, by the D. D. Distributing Co., from San Francisco, Calif., in part on or about August 28, 1933, and in part on a date unknown in the year 1933, by the Duray Distributing Co., from Spokane, or Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "D. D. Capsules * * * Duray Distributing Co., Domestic Division Seattle, U. S. A."

Analysis of a sample of the article by this Department showed that it consisted essentially of salol, a protein-containing substance, and starch.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton) "Have proven successful in High Blood Pressure"; (circular accompanying package) "Before Treatment * * * Systolic, Diastolic, After Treatment Systolic, Diastolic."

On July 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22984. Adulteration and misbranding of whisky. U. S. v. 12 Cases of Whisky. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32756. Sample no. 67580-A.)

This case involved a product sold as whisky for medicinal purposes. Examination showed that it failed to conform to the requirements of the United States Pharmacopoeia, and that the packages were not labeled to show the percentage of alcohol by volume.

On May 24, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cases of whiskey at Hoboken, N. J., alleging that the article had been shipped in interstate commerce, on or about January 6, 1934, by the Frankfort Distilleries, from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Old Vandergrift Whiskey—A Blend Bottled and Blended by the Sherwood Distilling & Distributing Co. Baltimore, Maryland."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and dif-

ferred from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the label, "For Medicinal Purposes Only", was false and misleading, and for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article.

The Sherwood Distilling & Distributing Co., Baltimore, Md., filed a claim and answer alleging that the product had been shipped in interstate commerce by the said Sherwood Distilling & Distributing Co., and admitting that it was misbranded. On July 20, 1934, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$240, conditioned that it be relabeled in accordance with the requirements of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

22985. Misbranding of Elroy's Six Point Remedy. U. S. v. 34 Packages of Six Point Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32765. Sample no. 48771-A.)

This case involved a drug product that was labeled with unwarranted curative and therapeutic claims.

On May 28, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 packages of Elroy's Six Point Remedy at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about September 27, 1933, by Elroy's Six Point Remedy, from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of cottonseed oil, camphor, turpentine oil, small proportions of other volatile oils and 1.5 grams per bottle of quinine sulphate in suspension.

The article was alleged to be misbranded in that certain statements in the circular shipped with the article falsely and fraudulently represented that it was effective as a treatment for arthritis, rheumatism, neuritis, sinus infections, catarrh, sore throat, tonsillitis, varicose vein ulcers, sores, running sores, pyorrhea, sore and bleeding gums, pleurisy, pneumonia, blisters between the toes, sore scalp, and all different forms of rheumatism; as effective in relieving congestion in cases of sore throat; and as effective in healing sore lips and relieving pain.

On July 5, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22986. Misbranding of Borash. U. S. v. 12 Bottles of Borash. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32784. Sample no. 67570-A.)

This case involved a drug preparation, the labeling of which bore unwarranted curative and therapeutic claims. The labeling was further objectionable since the principal therapeutic action of the product would result from Epsom salt, a mineral drug or chemical capable of causing injury, and it contained undeclared alcohol, therefore the claims that it contained no minerals or drugs, was absolutely safe and harmless, and contained no alcohol, and the impression conveyed that its therapeutic effect was derived from material obtained from borage or other plant sources, were false and misleading.

On May 31, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 bottles of Borash at Jamaica, N. Y., alleging that the article had been shipped in interstate commerce, on or about July 16, 1932, by the J. W. Wilking Co., Inc., from Hoboken, N. J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Borash 'Borage' Webster."

Analysis showed that the product consisted essentially of Epsom salt (16.5 g per 100 ml), plant extractive, alcohol (1.4 percent by volume), small proportions of benzoic and acetic acids, sugar, and water.

The article was alleged to be misbranded in that the statements, (bottle) "Borash 'Borage' Webster", (circular) "Borash", and the picture of a flowering plant on the bottle and in the circular; the statements, (bottle) "The con-

tents of this bottle is absolutely Free From * * * Alcohol", (circular) "It further does not contain anything which might in any way injure the weakest stomach and you may therefore take it safely, without the worry which justly accompanies the administration of medicine containing minerals or drugs * * * does not contain other drug or chemical injurious to the most delicate man, woman or child * * * it is absolutely harmless", were false and misleading. Misbranding was alleged for the further reason that the statement on the circular, "'Borash' is guaranteed under the Pure Food and Drug Act of June 30th, 1906", was misleading in that the said statement created the impression that the article had been examined and approved by some agency of the Government, and that the Government guaranteed that it complied with the law; whereas it had not been approved by the Government, and the Government did not guarantee that it complied with the law. Misbranding was alleged for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article. Misbranding was further alleged in that the bottle label and accompanying circular contained false and fraudulent representations regarding its effectiveness in "throwing uric acid from the blood", and its effectiveness in the treatment of rheumatism, gout, salt rheum, piles, dyspepsia, liver trouble, indigestion, various skin diseases, disordered stomach, skin diseases and other ailments caused by uric acid in the blood, acid stomach, kidney trouble, unsightly complexion, impure blood, excessive hydrochloric acid, as a stimulus to the entire digestive organs, in dissolving injurious acids, auto-intoxication, drowsiness, headache, laziness, susceptibility to fatigue, nervous depression, headache, trouble with the joints, anemia, diarrhea, coated and pale tongue, nausea, vomiting, dyspepsia, heartburn, drowsiness after meals, insomnia, impaired memory, flashes of unusual heat through the body, uneasiness caused by fast palpitation, obesity, headache, general discomfort, pains over the kidneys and down to the urethra and testicles, Brights disease, violent itching of the skin, poisoned urine, congestion of the kidney; to remove the main obstacles to normal action of the kidney, eczema, pimples, boils, erysipelas, aching joints, and lost appetite.

On July 15, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22987. Adulteration and misbranding of sodium borate and borax. U. S. v. 125 Cartons of Sodium Borate and 59 Cartons of Powdered Borax. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32795. Sample nos. 62165-A, 62182-A.)

This case case involved shipments of sodium borate (borax) which fell below the standard established by the United States Pharmacopoeia.

On June 1, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 125 cartons of sodium borate and 59 cartons of powdered borax at Perry Point, Md., alleging that the article had been shipped in interstate commerce, in part on May 11, 1933, and in part on June 2, 1933, by Jas. Good, Inc., from Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "One Pound Sodium Borate Powder U. S. P." or "5 Pounds Powdered Borax U. S. P."

Analyses of samples of the article by this Department showed that it contained arsenic calculated as arsenic trioxide not less than 50 parts per million. The United States Pharmacopoeia provides in effect that sodium borate (borax) contains not more than 10 parts per million of arsenic calculated as arsenic trioxide.

It was alleged in the libel that the article was adulterated in that it was sold under names recognized in the United States Pharmacopoeia, and differed from the standard of purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard of purity was not stated on the labels.

Misbranding was alleged for the reason that the statements on the respective labels, "Sodium Borate * * * U. S. P." and "Powdered Borax U. S. P.", were false and misleading.

On July 7, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22988. Misbranding of Throt-Ease. U. S. v. 118 Bottles of Throt-Ease. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32810. Sample no. 69896-A.)

Examination of the drug preparation involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It was claimed for the article that it was a harmless preparation, whereas it contained ingredients that might be harmful.

On June 15, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 118 bottles of Throt-Ease at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce, on or about February 8, 1934, by the Armour Sales Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Throt-Ease * * * The Tonsilo Company, Wheeling, West Virginia."

Analysis of a sample of the article by this Department showed that it consisted essentially of potassium chlorate (0.4 gram per 100 milliliters), iron chloride (0.4 gram per 100 milliliters), quinine hydrochloride (0.3 gram per 100 milliliters), glycerin, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the statement on the carton and bottle labels, "A Harmless Preparation", was false and misleading. Misbranding was alleged for the further reason that the following statements in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Shipping carton) "Don't Have Your Tonsils Removed Use Throt-Ease For Sore Throat and Tonsillitis * * * Throat Preparation * * * It knocks The Devil Out of Sore Throats"; (individual carton) "Throt-Ease For Sore Throat and Tonsillitis * * * Throt-Ease"; (bottle) "Throt-Ease For Sore Throat and Tonsillitis."

On July 31, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22989. Adulteration and misbranding of Luden's Antiseptic Cough Drops. U. S. v. 111 Cartons of Luden's Antiseptic Cough Drops. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32811. Sample no. 41479-A.)

This case involved a shipment of Luden's Antiseptic Cough Drops. Examination showed that the article was antiseptic, that it contained no ingredients capable of producing certain curative and therapeutic effects claimed in the labeling, and that the packages contained less than 2 ounces, the labeled weight.

On June 4, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 111 cartons of Luden's Antiseptic Cough Drops at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about April 24, 1934, by Luden's, Inc., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of lozenges of sugar containing a small proportion of a local anesthetic such as benzocain, and volatile oil including menthol, thymol, and eucalyptol. Bacteriological examination showed that it was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Antiseptic."

Misbranding was alleged for the further reason that the following statements on the labeling were false and misleading: (Display carton, retail carton, and labels for the individual lozenge) "Antiseptic"; (retail carton only) "These drops dissolved slowly in the mouth, produce a prolonged Antiseptic Action. * * * Net Weight 2 Ozs." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Retail carton) "Use Luden's Antiseptic Cough Drops in the treatment of Coughs * * * Sore Throats and similar ailments."

On August 29, 1934, Luden's, Inc., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond

in the sum of \$200, conditioned that it be brought into conformity with the law under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22990. Adulteration and misbranding of whisky. U. S. v. 23 Cases, et al., of Whisky. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 32718, 32724, 32734, 32759, 32824, 32831. Sample nos. 7912-A, 7913-A, 7915-A, 7944-A, 41443-A, 41445-A, 41447-A, 71628-A, 71697-A, 71698-A, 72004-A, 72006-A, 72007-A, 72086-A.)

These cases involved various brands of alleged medicinal whisky which differed from the specifications of the United States Pharmacopoeia. The packages failed to bear on the labels a statement of the percentage of alcohol by volume. Most of the brands were labeled with unwarranted curative and therapeutic claims.

On May 17, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 67 cases of whisky at Boston, Mass. Between the dates of May 19 and June 10, 1934, libels were filed in the district courts for the Districts of Connecticut, Minnesota, Southern Illinois, and Western Missouri, against 1,393 bottles of whisky at Greenwich, Conn.; 124 cases and 63 bottles of whisky at Minneapolis, Minn.; 8¾ cases of whisky at Rock Island, Ill.; and 668 bottles of whisky at Joplin, Mo. It was alleged in the libels that the article had been shipped in interstate commerce, in various shipments between the dates of December 19, 1933, and February 27, 1934, by the Frankfort Distilleries, Inc., in part from Baltimore, Md., and in part from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottles) "Lucky Star [or "Mattingly and Moore", "Four Roses", "Kentucky Triumph", "Old Oscar Pepper", "Old Baker", "Meadville Puryo Rye", "Honey Dew", "Broad Ripple", or "Indian Trader"] Whisky—A Blend." All brands were labeled, "For Medicinal Purposes" or "For Medicinal Use", most of them being further labeled "Rx."

It was alleged in the libels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia official at the time of investigation, and its own standard of strength, quality, and purity was not declared on the label.

Misbranding was alleged for the reason that the statements, "For Medicinal Purposes", "For Medicinal Use", "Rx.", and "Spiritus Frumenti", borne on the labels, were false and misleading. Misbranding was alleged for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article. Misbranding of all brands, with the exception of the "Broad Ripple" and "Four Roses", was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, were false and fraudulent: "Medicinal properties of Whisky. An easily combustible energy providing nutrient where the powers of assimilation are unable to utilize ordinary foods, beneficial to weakly persons, more especially in the extremes of life. Sudorific power resulting from its relaxation of peripheral circulation has given spiritus frumenti high favor among the profession in both the prevention and treatment of minor infections resulting from exposure such as coryza, rhinitis, bronchitis, influenza and other nasal, laryngeal, bronchial and lobar affections."

On June 1, June 22, June 26, June 27, and July 3, 1934, claimants having appeared and admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of costs and the execution of good and sufficient bonds, conditioned that the old labels be removed and new labels correctly describing the product be affixed to the bottles.

M. L. WILSON, *Acting Secretary of Agriculture.*

22991. Misbranding of Wine of Chenstohow. U. S. v. 1,101 Bottles of Wine of Chenstohow. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32852. Sample no. 65653-A.)

The product in this case was labeled to convey the impression that it was wine and had been made in Chenstohow, Poland, whereas it was a proprietary

medicine made in Buffalo, N. Y. The label contained unwarranted curative and therapeutic claims.

On or about June 16, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,101 bottles of Wine of Chenstohow at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about April 11, 1934, by the Centennial Wine Co., Inc., from Buffalo, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Wine of Chenstohow * * * Bon Vino Products Inc., Buffalo, New York"; (shipping carton) "Prepared By Chenstohow Medical Laboratories, Inc."; "Centennial Wine Co., Inc., Buffalo, New York."

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of laxative drugs such as buckthorn, senna, and rhubarb, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the statements on the label and shipping containers, "Wine of Chenstohow", "Wino Czestochowski", or "Bon Vino Tonic", were false and misleading, since the article did not consist of wine and was not made at Chenstohow, Poland, but was manufactured in Buffalo, N. Y. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: (Bottle) "Health-Vigor Wine of Chenstohow is helpful for indigestion and regulates the bowels; * * * Which is the principle of health"; (shipping carton) "The Dawn of Health * * * Better appetite better digestion more vigor."

On August 14, 1934, Henry C. Struzynski and Myron H. Struzynski, trading as the National Cordial Co., Not Inc., Chicago, Ill., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

22992. Adulteration and misbranding of Chalon Antiseptic Mouth Wash. U. S. v. 6 Dozen Bottles of Chalon Antiseptic Mouth Wash. Default decree of condemnation and destruction. (F. & D. no. 32857. Sample no. 38873-A.)

This case involved a product sold as an antiseptic mouth wash. Bacteriological examination showed that it was not an antiseptic.

On or about June 13, 1934, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 dozen bottles of Chalon Antiseptic Mouth Wash at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce, on or about April 23, 1934, by Leading Perfumers, Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Chalon Antiseptic Mouth Wash * * * Chalon Laboratories, New York, N. Y."

It was alleged in the libel that the article was adulterated in that it fell below the professed standard and quality under which it was sold, "Antiseptic."

Misbranding was alleged for the reason that the statement "Antiseptic", borne on the label, was false and misleading.

On July 16, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22993. Misbranding of Ora-Noid Mouth Powder. U. S. v. 22 Packages of Ora-Noid Mouth Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32859. Sample no. 67864-A.)

This case involved a product which was labeled with unwarranted therapeutic claims.

On June 13, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 packages of Ora-Noid Mouth Powder at New York, N. Y., alleging that the article had been

shipped in interstate commerce, on or about April 14, 1934, by the Ora-Noid Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of table salt (50 percent), precipitated chalk (23 percent), and small proportions of baking soda and magnesium and potassium compounds, including phosphate and sulphate, flavored with cassia oil.

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects were false and fraudulent: (Carton) "Ora-Noid Mouth Powder is a Complete Oral Prophylactic in Itself. * * * it keeps the gums in condition; it strengthens all the tissues in the mouth including the tongue, the palate, the throat and the mucous membranes on the inside of the cheeks. The use of Ora-Noid Mouth Powder Alone, according to directions, performs the function of keeping the teeth, gums, tongue, mouth and throat * * * healthy. * * * It Expels Germs Through the operation of the law of osmosis, Ora-Noid Mouth Powder, when retained in the mouth for several minutes according to directions, draws the germs out of the crypts in the tissues. * * * Thus through a physical force, bacteria hidden away in these crypts of the mouth and tongue, which no antiseptic can reach, are flushed out and expelled without in any way having destroyed, killed, or impaired any tissue. Ora-Noid is an effective aid in the treatment of irritations of the membranes of the gums, mouth and throat including bad breath—in fact, wherever the tissues of the mouth and its accessory organs are involved"; (tin container) "Ora-Noid Mouth Powder * * * strengthens the gums. * * * Ora-Noid is an effective aid in the treatment of irritations of the membranes of the gums, mouth, and throat, including bad breath—in fact, wherever, the tissues of the mouth and its accessory organs are involved. * * * A solution of Ora-Noid Mouth Powder exerts a high osmotic pressure. It draws the fluids out of inflamed tissues, thereby relieving congestion and helps to restore the tissue to a normal healthy condition."

On July 3, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22994. Misbranding of Cox-Cis. U. S. v. 3 Dozen Packages and 66 Packages of Cox-Cis. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32791, 32860. Sample nos. 69137-A, 74551-A.)

These cases involved a product labeled to convey the impression that it was a preventive and treatment for coccidiosis of poultry. Analyses showed that it contained no medicinal agents effective for such purposes.

On May 31 and June 12, 1934, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 8½ dozen packages of Cox-Cis, in part at Camden, N. J., and in part at Vineland, N. J., alleging that the article had been shipped in interstate commerce, on or about February 16, 1934, by Kloister Laboratories, Inc., from Ephrata, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of ground limestone with a small amount of betanaphthol.

It was alleged in the libels that the article was misbranded in that the statement on the label, "Cox-Cis For Poultry", was a statement regarding the curative or therapeutic effect of the article and was false and fraudulent.

On July 5 and July 20, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22995. Misbranding of Smith's Germicide. U. S. v. 68 Bottles and 22 Bottles of Smith's Germicide. Default decree of forfeiture and destruction. (F. & D. no. 32868. Sample nos. 68397-A, 68398-A.)

This case involved a drug product that contained water in excess of the amount declared on the label and which was labeled with unwarranted curative and therapeutic claims.

On June 15, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 bottles of Smith's Germicide at Springfield, Mass., alleging that the article had been shipped in

interstate commerce, in part on or about April 10, 1934, and in part on or about May 17, 1934, by John B. Smith Insecticide Co., from New Haven, Conn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of potassium permanganate (1.9 percent), a small proportion of a sulphate, and 98 percent of water.

The libel alleged that the article was misbranded in that the statement, "Contains water inert, not to exceed 94 per cent", borne on the label, was false and misleading. Misbranding was further alleged in that the following statements in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: "A Remedy For Colds, Roup, Diarrhoea, Throat and Bowel Diseases. For Pet animals and Birds Smith's Germicide Should be given in the drinking water twice a week, a teaspoonful to a quart of water. This will keep the throats of singing birds in order. Give daily in drinking water to sick dogs, cats and other pet stock. * * * For Stock Smith's Germicide Given daily in the drinking water is beneficial having a tendency toward counteracting troubles caused by impure water, musty food, etc. A useful outward application for wounds and skin disorders. * * * give Germicide in the drinking water, one teaspoonful to a quart of water. For Bowel Trouble give in drinking water as above. * * * Given in the drinking water twice a week Smith's Germicide will help to keep poultry in good condition."

On July 17, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22996. Misbranding of Lyco Cow Balm. U. S. v. 16 Tubes of Lyco Cow Balm. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32869. Sample no. 70159-A.)

This case involved a drug product which was labeled with unwarranted curative and therapeutic claims.

On June 18, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 tubes of Lyco Cow Balm at Honesdale, Pa., alleging that the article had been shipped in interstate commerce, on or about November 10, 1931, by Cole Bros. Cowbalm Co., from Binghamton, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of 3.3 percent of phenolic substances, such as cresols combined with an alkali, and volatile oils, such as eucalyptus oil and spearmint oil, incorporated in petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects were false and fraudulent: (Tube) "Guaranteed Relief for Spider, Garget, Cowpox, * * * Spider or Garget * * * For Garget rub Balm well in affected quarter either warm or cold. For Spider rub Balm, warm or cold, on teat 5 or 10 minutes or hold teat in warm Balm. For * * * caked udder, rub Balm in well. Cowpox—Rub balm on all pocked teats. Sore * * * Feet, Sore Eyes, * * * Piles, Running Sores, Lung Trouble, Coughs, Colds in * * * lungs, Croup, Sore Throat * * * Bunions, Catarrh, Heals Skin Breaks."

On July 31, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22997. Misbranding of Gray's Syrup and Williams Camphorated Mustard Cream. U. S. v. 288 Packages of Gray's Syrup, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32870. Sample no. 71700-A.)

This case involved a shipment of Gray's Syrup, each package containing a sample of Camphorated Mustard Cream. The labels of both products bore unwarranted curative and therapeutic claims. The Gray's Syrup contained less alcohol than declared on the label.

On June 19, 1934, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 288 packages of Gray's Syrup, each package containing a sample of Camphorated Mustard Cream, at Auburn, Maine, alleging that the articles had been shipped in interstate commerce, on or about December 16, 1933, by D. Watson & Co., from New

York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Gray's Syrup * * * Prepared from the Original Recipe of Henry R. Gray, Chemist by D. Watson & Co., New York & Montreal," and "Williams Camphorated Mustard Cream * * * The Mothersill Remedy Co., Ltd. Montreal—New York."

Analyses showed that the Gray's Syrup consisted essentially of plant drugs, including wild cherry, small proportions of sodium, potassium, iron, calcium and magnesium salts, alcohol (16.3 percent by volume), and water; and that the Camphorated Mustard Cream was a yellowish ointment containing chiefly mustard oil, methyl salicylate, menthol, and camphor.

The Gray's Syrup was alleged to be misbranded in that the statements, (carton) "Alcohol 25 Per Cent" and (bottle) "Alcohol 25% Vol.," were false and misleading, since the article contained less alcohol than declared. Misbranding was alleged for the further reason that the following statements in the labeling, regarding the curative and therapeutic effects of the articles, were false and fraudulent: (Gray's Syrup, carton—one dozen small) "For Coughs, * * * Hoarseness, Sore Throat and Allied Complaints"; (display carton "Quick Sure Relief for Coughs"; (individual carton, in English and in French) "Recommended for Coughs, * * * Hoarseness and Sore Throat. It is beneficial in relieving Coughs and inflammatory conditions of the throat which result from Bronchial Asthmatic affections and derangements of the respiratory organs. * * * Has been a household preparation for Coughs, * * * Hoarseness, Sore Throats and allied complaints"; (individual carton, in English) "Has been a household preparation for Coughs, * * * Hoarseness, Sore Throats and allied complaints"; (bottle label, in English and in French) "A beneficial remedy for Coughs, Hoarseness and inflammatory conditions of the throat, which result from Bronchial, Asthmatic and Pulmonary affections. Dose—A teaspoonful to be taken after each spell of coughing"; (circular, in English and French) "For the treatment of Coughs, * * * Hoarseness and allied complaints * * * recommended for Coughs, * * * Hoarseness and Sore Throats. It is beneficial in relieving Coughs and inflammatory conditions of the Throat, which result from Bronchial and Asthmatic affections and derangements of the Respiratory Organs. * * * a household treatment * * * for these affections. * * * in the treatment of the above affections, * * * in the treatment of various pulmonary complaints. * * * Coughs * * * lead to more serious complaints. Be prepared"; (Camphorated Mustard Cream, tin label) "The pain in Rheumatism, Neuritis"; (circular) "To Relieve * * * Pains And Aches * * * penetrates right to the seat of your distress, easing pain and breaking up congestion. * * * Congestion is the underlying cause of distress in many cases of colds, pains and aches. Start the blood circulating and break up this congestion and you secure relief. * * * occupies an important place in the home treatment of many common ailments. Its prompt use will alleviate much distress and in many instances it may prove of value in preventing serious developments. Use it quickly in treating * * * the pains and aches of Rheumatism, * * * Neuritis. * * * 'Rubbing Away' the Congestion. Brings Ease and Comfort Pain Soothing Medication * * * 'Rub Away' That Croupy Cold."

On July 12, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the products was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22998. Misbranding of Sal-Vet Worm Destroyer Conditioner Tonic. U. S. v. 3 Barrels of Sal Vet Worm Destroyer Conditioner Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32971. Sample no. 49284-A.)

This case involved a product that failed to conform to the printed formula since it contained more salt and less limestone than declared.

On June 21, 1934, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three barrels of Sal Vet Worm Destroyer Conditioner Tonic at Farmville, N. C., alleging that the article had been shipped in interstate commerce, on or about March 20, 1934, by the Sal Vet Product Co., from Cleveland, Ohio, and charging misbranding in violation of the Food and Drugs Act.

Analysis showed that the article consisted of salt (73 percent), limestone (10.4 percent), insoluble earthy material (6.4 percent), sulphur (1.1 percent), iron sulphate (0.8 percent), charcoal, and plant material (7 percent).

It was alleged that the article was misbranded in that the statements on the label, "Ingredients * * * (Ground Limestone) 25% * * * Salt * * * 65%", were false and misleading, since the article contained less limestone and more salt than stated. This Department also recommended that the libel charge that the statement regarding the curative or therapeutic effect of the article, "Worm destroyer Conditioner Tonic", was false and fraudulent.

On September 24, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22999. Misbranding of Norma Effervescent Preparation. U. S. v. 119 Cans and 58 Cans of Norma Effervescent Preparation. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32990, 33055. Sample nos. 69900-A, 70174-A.)

These cases involved a drug product labeled with unwarranted curative and therapeutic claims.

On June 22 and July 9, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 119 cans of Norma Effervescent Preparation at Wilkes-Barre, Pa., and 58 cans of the same product at Scranton, Pa., alleging that the article had been shipped in interstate commerce, in part on or about May 4, 1934, and in part on or about May 9, 1934, by the C. Tornello Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Packed Expressly for Norma Packing Co., New York, N. Y."

Analysis showed that the article consisted essentially of sodium bicarbonate, tartaric acid, and sugar.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent: (In English) "Specially recommended for stomach disorders"; (translated from the Italian) "Combats acidity and is specially recommended for disturbances of the stomach."

On August 6, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

23000. Misbranding of Sweet's Certified Blood Tea, Sweet's Kamforina Salve, and Sweet's Bear Brand Salve. U. S. v. 23 Packages of Sweet's Certified Blood Tea, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32992, 32993, 32994. Sample nos. 68996-A, 68997-A, 68998-A.)

These cases involved drug preparations, the labels of which bore unwarranted curative and therapeutic claims. The designation of the Kamforina Salve was false and misleading, since it contained physiologically active ingredients other than camphor.

On June 25, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 23 packages of Sweet's Certified Blood Tea, 23 packages of Sweet's Kamforina Salve, and 11 packages of Sweet's Bear Brand Salve at Camden, N. J., alleging that the articles had been shipped in interstate commerce, on or about April 28, 1934, by the Sweet Manufacturing Co., Inc., from Pittsburgh, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Blood Tea consisted essentially of senna leaves, couch grass, sassafras bark, elder flowers, juniper berries, anise seed, fennel seed, and uva ursi leaves; that the Kamforina Salve consisted essentially of capsicum oleoresin and volatile oils including camphor incorporated in petrolatum; and that the Bear Brand Salve consisted essentially of tar oil incorporated in petrolatum.

The Kamforina Salve was alleged to be misbranded in that the statement on the label, "Kamforina Salve", was false and misleading since the article contained physiologically active ingredients other than camphor. Misbranding was alleged with respect to all products for the reason that the following statements, in the labelings, regarding their curative or therapeutic effects were false and fraudulent: (Blood Tea, carton) The designation "Blood Tea" in the name of the article and (in English) "A splendid System Purifier for Every Member of the Family. * * * for the Relief of * * * Indigestion, Biliousness, Sallow Complexion, Loss of Appetite * * * and Sick Headache. * * *

you must keep yourself physically fit. You cannot have a strong vigorous body and clear keen mind without plenty of good, rich blood. When the blood becomes thin, impure or impoverished, health soon fails and a host of ills follow. You become weak, tired and nervous. Your complexion becomes sallow, you lose weight, strength and vitality and feel listless. The whole system is run down and one is then an easy victim to illness. Excellent results are manifest throughout the entire system from the use of Sweet's Certified Blood Tea"; (translated from the Polish) "Most human diseases originate in the stomach and impure blood. When the stomach ceases properly to fulfill its function, the food commences to decompose in the organism and the circulation of the blood carries poisons to every part of the body, causing headache, loss of appetite, indigestion, constipation and many other ailments. * * * is excellent for loss of appetite, indigestion, * * * headache, * * * altogether eradicating the poisons from the diseased system by purifying the stomach, blood and the whole system"; (translated from the Lithuanian) "Remedy for Loss of Appetite, Liver and Blood Diseases, Headaches, Indigestion, Skin Diseases, Fatigue, Nervousness, Rheumatism * * * Jaundice, Anemia * * * Influenza, Acidity, Coated Tongue, Hives, etc."; (translated from the Ukrainian) "Remedy for loss of appetite, blood diseases, indigestion, headaches, stomach trouble, nervousness * * * acidity in stomach, coated tongue, anemia, etc."; (Blood Tea, circular) The designation "Blood Tea" and (in English) "Constipation Saps Vitality—Reduces Efficiency—Ruins Appearance—Attractiveness—Disposition— * * * Widely used in diseases of the kidneys. * * * Used as a blood-purifier. * * * Used as tonic and blood-purifier * * * Used in diseases of the kidneys. * * * Used to relieve colic * * * Acts as a tonic to the stomach and liver. * * * Increases kidney excretions. * * * for many ailments of their beginning in the absorptions of waste matter from the intestines. * * * loss of appetite, indigestion, rheumatism, Bright's disease, sick headache, heart trouble, diabetes, nervousness and many other troubles are directly traceable to poisons from internal filth. * * * dissolves accumulated wastes and gently flushes them out of the system. Constipation cannot be left to 'take care of itself.' * * * Constipation saps vitality, reduces efficiency; ruins appearance, disposition, and attractiveness. Your body should be kept clean outside and 'inside'. And for Health * * * Owing to the heavily toxic condition of the average person * * * At the first sign of * * * chills, etc. * * * Rules for long life * * * Give daily attention to building health. * * * Secure thorough intestinal elimination three times a day. * * * Do not allow poisons and infections to enter the body"; (translated from the Polish) "For loss of appetite, bad blood, liver, headache, stomach ailments, skin diseases, nervousness, rheumatism, * * * malaria, impoverished blood * * * influenza, sour stomach, coated tongue, pimply rashes, etc. * * * The tea helps nature to positively remove poisons and disease germs from the human system"; (translated from the Lithuanian) "Remedy for loss of Appetite, Liver and Blood Diseases, Headaches, Indigestion, Skin Diseases, Fatigue, Nervousness, Rheumatism * * * Jaundice, Anemia * * * Influenza, Acidity, Coated Tongue, Hives, etc. * * * This tea helps Nature to rid one's system of the * * *"; (translated from the Italian) "Tea for Blood * * * for alleviation of different affections of the nerves, blood, stomach, liver, kidneys, and viscera, such as * * * acid, biliousness, pains in the liver, headache, pains in the neck, indigestion, malaria, neuralgia, rheumatism, nervous sciatica, vertigos, loss of appetite, general debility, coated tongue, small pustules, etc. * * * This tea assists in freeing the system of diseases, germs and poisons, the secret enemies of humanity"; (Kamforina Salve, box and carton) "For Muscular Rheumatism * * * Sore Throat, Stiffness"; (carton, translated from Polish) "Is efficacious for Rheumatic pains, sore throat, stiffness of the limbs, lumbago, bronchitis * * * and many other ailments arising from exhaustion or hard work"; (Bear Brand Salve, box and carton) "For Sores, Fresh cuts, Wounds, etc."; (carton) "Also effective for Boils and Carbuncles * * * For eczema and skin diseases generally * * * For cuts * * * sores, etc. * * * [translated from Polish] is the one healing salve for all new and old wounds, cuts * * * warm it somewhat and apply to the wound or swelling * * * [translated from Lithuanian] Most effective for fresh cuts, sores, wounds [translated from Bohemian] For new and old sores, cuts * * * hemorrhoids, etc."

On August 11, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered, and destruction of the products was ordered.

M. L. WILSON, Acting Secretary of Agriculture.

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